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SUMMARY RECORD OF THE 51st MEETING
(FIRST PART)*

Held at the Palais des Nations, Geneva,
on Wednesday, 2 March 1994, at 7 p.m.

Chairman: Mr. NEAGU (Romania)
later: Mr. van WULFFTEN PALTHE (Netherlands)

CONTENTS

Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:

(a) Question of human rights in Cyprus

* The summary record of the second part of the meeting appears as document E/CN.4/1994/SR.51/Add.1.

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The meeting was called to order at 7.30 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (agenda item 12) (continued) (E/CN.4/1994/3-6, 7 and Corr.1 and Add.1-2, 8, 46-61, 97 102-104, 110, 115, 119 and 122; E/CN.4/1994/NGO/7, 9, 12-15, 22-24, 26, 28, 29, 37, 40, 42-44; A/48/526 and Add.1, 561, 562, 578, 584, 600 and Add.1, 601)

1. Ms. BOUVIER (Minority Rights Group) said that the fact that in the past few years the human rights situations in 44 countries had been the subject of resolutions adopted by the Commission on Human Rights and its Sub-Commission clearly indicated the impact of difficulties of inter-community relations. In addition to the long standing examples of South Africa and Israel, other unresolved self-determination issues which had received attention during the past three years had included Palestine, Western Sahara, East Timor, Tibet and Kurdistan. In such situations violations of individual human rights often affected members of the same minority group; group rights should thus receive as much attention as individual rights.

2. The relations between minority and majority groups were a key issue in Bosnia and Herzegovina, in the province of Kosovo in the Federal Republic of Yugoslavia (Serbia and Montenegro), in Albania and in Romania. The denial of minority rights or, more generally, of group rights, had led to human rights abuse in Iraq, Iran, Burma, Sudan, Zaire and Somalia. Economic or political issues also frequently led to conflict, as in Guatemala where violence arose from the inequality in sharing the country's resources and hence power with the majority indigenous population, which had few group rights.

3. The Minority Rights Group urged the Commission to recognize that minorities needed a forum within the United Nations system in which they could make their views heard and perhaps engage in dialogue with governments. Such a forum would help to defuse tensions and hopefully would help to reduce the number of human rights violations.

4. Mr. MILOSEVIC (World Federalist Movement) said that his organization, which promoted federalist principles and sought peaceful solutions in the various regions of former Yugoslavia, had allowed him to speak as the Serb representative but took no responsibility for his statement.

5. He recalled that the human rights situation in the former Yugoslavia had been under intensive discussion in the Commission since the events of August 1992. The Special Rapporteur, Mr. Tadeusz Mazowiecki, had submitted no less than six reports on the subject to the Commission. However, a number of Governments and non-governmental organizations had expressed reservations on them, considering them to be often lacking in objectivity and showing political bias. For those same reasons, the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) had refused to allow the Special Rapporteur to open a local office, while the Serb authorities denied

him access to its territory. However, in his fifth and sixth reports (E/CN.4/1994/47 and E/CN.4/1994/110) Mr. Mazowiecki had shown more objectivity and was relying on more reliable sources of information, particularly as regards matters relating to the Federal Republic.

6. Reference had already been made by his organization under agenda item 18 to the difficult human rights situation of the Serb minority in the Republic of Croatia and the former Yugoslav Republic of Macedonia. It was encouraging that the problems of the former had been recognized by Mr. Mazowiecki in his sixth report. As to the latter, it was regrettable that he had not recommended that the authorities in the former Yugoslav Republic of Macedonia should adopt a constitutional amendment giving minority status to the Serb community and so safeguard its rights as a whole.

7. Chapter V of Mr. Mazowiecki's sixth report dealt with Slovenia but unfortunately made no reference to the problems of the 60,000 strong Serb minority there, which did not have minority status and thus did not have its own schools or protection for its culture and language. His recommendation in paragraph 200 of the report that the Republic of Slovenia should be excluded from his mandate was thus unacceptable until such time as the question of all minorities in Slovenia had been settled.

8. In the case of Bosnia and Herzegovina, Mr. Mazowiecki continued to accuse Serbs of "ethnic cleansing" and of the administrative segregation of Muslims and Bosnian Croats. Such allegations were based on unverified sources and were to be rejected. On the other hand, as reflected in Mr. Mazowiecki's fifth report, over 400 civilians had been massacred by Muslim armed forces in the villages of Truzine, Miletici, Maline, Doljani, Bistrica, Kriz, Udol and Kopijari. In addition, as reported by the World Serb Union with a detailed list of names to the Centre for Human Rights, Muslim forces had killed 171 Serbs in Konjic commune in April to August 1992. The detention camp at Konjic, contrary to the information given in Mr. Mazowiecki's fifth report, had not yet been closed. A list giving the names of the 87 Serbs still imprisoned there, together with the registration numbers allotted them by the International Committee of the Red Cross, was submitted to the Commission. The Special Rapporteur was urged to take that information into account in his future reports and to endeavour to locate the sites of undeclared camps where Serb military personnel and civilians were being detained so that the International Committee of the Red Cross might be enabled to inspect them.

9. The Special Rapporteur had condemned the use of Serb civilians as hostages by the Muslim authorities but failed to make clear the extent to which Muslim forces and the Muslim authorities flouted all international human rights instruments including the Geneva Conventions by such acts as summary execution, rape, blocking the delivery of humanitarian aid to Serb communities and impeding the free movement of citizens. Serbs living in urban centres, particularly in Sarajevo and Tuzla, were being held hostage and all efforts to allow them to leave had been frustrated.

10. In paragraph 60 of his sixth report, the Special Rapporteur noted that UNPROFOR had been unable to establish the exact origin of launch for the murderous mortar attack on the marketplace in Sarajevo. The Serb authorities in Pale had rejected accusations and had called for a commission of inquiry to

establish responsibility for the massacre. The Commission's findings had been sent to the Secretary-General, who had not yet made them public. Some media accounts based on that report attributed responsibility for the massacre to the Muslim authorities in order to create a climate conducive to an ultimatum to the Serbs and consequently the use of an international military force in the Bosnian conflict. The fact that the Special Rapporteur's report indirectly accused the Serbs of the massacre was to be deplored and merely served to strengthen the manipulative efforts of the Muslim authorities to tarnish the reputation of the Serbs by accusing them of every sort of atrocity.

11. He drew the Commission's attention to an article in the Herald Tribune on 23 February 1994 which pointed out that although most Muslims claimed to want a democratic and secular State, the Christian Serbs had suffered under Muslim rule both in past centuries and during the Second World War and had long memories. Most Serbs remembered that President Izetbegovic had once said that there could be no peace or coexistence between Islam and non-Islamic social and political institutions. The Serbs had thus been forced to fight to defend their culture, their religion and their existence and no ultimatum would succeed in diverting them from that course.

12. Mr. TEITELBAUM (American Association of Jurists) said that the recent massacre in Hebron, the effects of the devaluation of the CFA franc in Africa and the continuing situations in Zaire and Western Sahara were all matters that should be studied under agenda item 12 (b).

13. In the Americas too, situations existed that deserved consideration under that agenda item. One example was Guatemala, at present inappropriately dealt with under advisory services. Another was Peru, where the failure to try the military personnel accused of the massacre at La Canuta in a civil court was only one aspect of a regime founded on autocracy, violation of fundamental human rights and impunity from prosecution. In Colombia, there was clear evidence of lack of legal guarantees, violation of fundamental rights and impunity from prosecution. In El Salvador, by granting an amnesty to military personnel, the Government had shown its lack of commitment to the restoration of human rights. The continuing existence of death squads also indicated involvement of the authorities since experience in many countries had shown that such squads could not long survive without support. The situation in El Salvador fully justified the renewal of the mandate of the Independent Expert, Dr. Pedro Nikken. In Haiti, the United Nations should discontinue the negotiations with the military regime and promote the unconditional return of President Aristide.

14. The Association considered that the Commission should express its concern at the decision of the Government of France to return the two persons charged with the murder of Kazem Radjavi to the Islamic Republic of Iran instead of handing them over to Switzerland in conformity with the European Convention on Extradition and the extradition agreement in force between France and Switzerland.

15. Ms. HERRA GARCIA (American Association of Jurists), speaking also on behalf of the National Network of Civilian Organizations for Human Rights "All Rights for All", which represented 36 non-governmental organizations in

Mexico, said that the two organizations had extensive and well documented information on the human rights situation in Mexico which affected in particular the indigenous peoples.

16. The violent social explosion in the province of Chiapas had three main causes. Firstly, the administration of justice and the public prosecution service were instruments of political and social control and did not fulfil their social function. Secondly, the economic programmes implemented during the past decade had produced a considerable deterioration in the standard of living of millions of Mexicans. Lastly, the fact that the legislative and judicial branches of the State were subordinate to the executive power meant that there were no democratic checks and balances and rendered electoral processes untrustworthy.

17. From reliable information and evidence obtained by her organizations since the outbreak of the violence in Chiapas, it was clear that there had been a serious pattern of human rights abuse, including arbitrary arrests, raids, intimidation and threats, torture, forced and involuntary disappearances, the murder of civilians uninvolved in the conflict, summary executions and the de facto suspension of guarantees of individual rights. Of the 208 complaints directly received, the perpetrators appeared to be members of the Mexican armed forces in 49.3 per cent of cases, the civil authorities in 11.6 per cent of cases, some members of the Zapatista National Liberation Army in 6.8 per cent of cases and unidentified persons in 32.4 per cent of cases. One cause for concern was the recent promulgation of an amnesty law, which might grant immunity to government authorities that violated human rights. Another cause was the presence of a third armed force in the area, the white guards, who were in the service of individuals who exercised political and economic control of the region. A third cause was the recent amendment of articles 16, 19, 20 and 21 of the Mexican Constitution relating to detention which, in contravention of international human rights standards, would allow detainees not to be brought promptly before a judge. Furthermore, a law to prevent and punish the practice of torture had been in force for six years but no public servant of the State had yet been brought to justice under it.

18. The National Network of Civilian Organizations for Human Rights called upon the Mexican Government to invite the Commission on Human Rights to visit Mexico to enable it to observe the human rights situation, to withdraw its reservation to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to ratify the Optional Protocol to the International Covenant on Civil and Political Rights and to ratify the Second Protocol to the Geneva Conventions.

19. Ms. LAGER (International Federation of Action of Christians for the Abolition of Torture - ACAT), also speaking on behalf of France-Libertés: Fondation Danielle Mitterand, said that flagrant and systematic violations of human rights were continuing in Peru and deserved the special attention of the international community. In the past year, there had been 49 enforced disappearances and 34 summary executions; torture was in practice institutionalized and in effect tolerated by the Government. Conditions in Peru had not therefore changed for the better despite claims to the contrary.

The submission of declining figures for human rights violations, still among the highest in Latin America, merely indicated a realization that such crimes were taking place.

20. The causes of human rights abuse had, however, not been done away with but had in fact been strengthened. The powers of the military had been reinforced; they now had authority over the civilian population in areas where a state of emergency had been declared. Such areas had increased despite the decline in armed conflict. Furthermore, military courts had been empowered to try civilians and pass a sentence of death upon them (art. 173 of the new Constitution). The Supreme Council of Military Justice was not staffed by civilian lawyers but by senior army officers whose identity was not revealed. The Peruvian Military Court was under the authority of the Executive, not the Judiciary, in contradiction of the principles of the state of law.

21. The Commission should note that human rights abuses were not only continuing in Peru, but were taking on new forms and were becoming widespread. Hundreds of innocent persons had been detained for months or even sentenced unjustly. The secret military courts had over a twelve month period sentenced 200 civilians to life imprisonment in violation of the principles governing a fair trial set out in the International Covenant on Civil and Political Rights.

22. On the other hand, the same military courts that had been so swift to judge civilians had not managed to bring to a conclusion more than 5 out of 84 legal proceedings initiated following human rights abuses and in only one was the accused found guilty. Impunity thus existed in practice and was encouraged by the mistaken belief in the efficacy of military courts.

23. Lastly, the new Constitution extended the scope of the death penalty in violation of the American Convention on Human Rights. Peru was the first Latin American country to have introduced such a measure into its Constitution.

24. Although she welcomed the attention given to the situation by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its previous session, resolution 1993/23 adopted by it by no means reflected actual conditions. The situation had continued to deteriorate since August 1993, as exemplified in the resignation of the Prime Minister in protest at the enactment of a law (Act No. 26291 of 10 February 1994) violating the country's Constitution. That Act had enabled the murder of a lecturer and nine students by members of the National Intelligence Service with the support of the army (the Canuta affair) to be tried by a military court, thus demonstrating the predominance of the military over the legislative and judicial authorities. Recent sentences passed by military personnel on military personnel were far from satisfactory in terms of combating impunity.

25. The two organizations she represented considered it essential that the Commission should, at its present session, appoint a special rapporteur as evidence of its determination to improve the parlous state of human rights and

the rule of law in Peru. They further called on the Government of Peru to invite the Special Rapporteur on torture and the Working Group on Arbitrary Detention to visit the country as early as possible.

26. Mr. MONOD (War Resisters International) said that his organization was concerned about the fate of deserters and conscientious objectors attempting to flee the republics of the former Yugoslavia rather than fight in a war they deplored. Some had been captured by the military authorities and shot. The attitude of the military authorities in Serbia, Croatia and Bosnia alike was in violation of Commission resolution 1993/84, paragraph 2 of which affirmed that persons performing compulsory military service should not be excluded from the right to have conscientious objection to military service.

27. His organization urged that deserters and conscientious objectors should be received by United Nations representatives in their countries and provided with laissez-passer to enable them to seek refuge abroad. A resolution adopted by the European Parliament on 28 October 1993 recommended that the international community should give protection to deserters who refused to take part in nationalist conflicts which it had unreservedly condemned. The attention of the Special Rapporteur of the Commission on the former Yugoslavia was drawn to the fact that such young people, who were the best hope for peace, were in extreme danger in a region where no human rights were respected.

28. It seemed a contradiction in terms that the peace negotiations on Bosnia were conducted by persons bent on war when in every republic of the former Yugoslavia notable people could be found whose commitment to peace and reconciliation were widely recognized. Surely a meeting of such persons with the United Nations mediators could be arranged and pressure from the international community applied to make the belligerents see reason.

29. He also drew attention to the situation of conscientious objectors in Greece and Turkey, who received long prison sentences despite Commission resolution 1993/84.

30. He appealed to the High Commissioner for Human Rights to put pressure on Governments to respect the rights of conscientious objectors and to ensure that deserters were given free passage out of their country and that other countries gave them refuge.

31. Mr. HARPER (Commission of the Churches on International Affairs) said that, in Haiti, churches had provided substantiated evidence of harassment, intimidation, beatings, political killings, detention and torture perpetrated by members of the army and security forces during the past 12 months. The renewed pattern of repression stemmed from the violent overthrow of the Government of the democratically elected President Aristide, the failure to implement the political agreements and Haitian military opposition to the President's return to Haiti, compounded by the major international Powers' evident lack of political will to overcome the obstacles. Repression in Haiti had reached new heights. Churches and ecumenical sources had reported cases of abuse against hundreds of persons, especially in the rural areas, by the armed forces, police and civilian attachés under their supervision. The depth and scope of politically motivated repression was corroborated in the report

of the Special Rapporteur (E/CN.4/1994/55). Such activities continued despite the presence of the International Civilian Mission. The World Council of Churches therefore recommended that the Special Rapporteur's mandate should be extended for an additional year, that he should be enabled to return to Haiti immediately and that his responsibilities should include an assessment of the effects of the presence and capacity of the international civilian mission on respect for human rights. The Commission should urge both sponsoring bodies of the Mission to strengthen its mandate and increase its personnel, establish a presence in all nine Departments of Haiti, empower it to act against human rights violations as well as monitoring them, and render immediate assistance to victims. The Commission should also recommend to the Secretary-General that the Mission should undertake to strengthen the administration of justice in Haiti, thus helping to break the current pattern of immunity. Lastly, the Commission should urge the Secretary-General and the members of the Security Council to secure, by any appropriate means, the full application of the Governors Island Agreement and the New York Pact.

32. In Sri Lanka, the ethnic conflict had gone on unabated for over a decade, causing widespread suffering and misery. The recent discovery of mass graves at Suriyakanda Mountain at Kolonne in Ratnapura district confirmed the large number of documented cases of enforced disappearances brought to the Commission's attention at previous sessions. Despite the Government's claim of improvements in the human rights situation, the abuses committed by security forces continued virtually unchecked and with impunity. Thousands of people on both sides of the ethnic divide had lost their lives. The people of Jaffna were the worst affected, subjected to constant aerial bombardment and mortar attacks, and lacking food and other essentials. Official claims that there was no ethnic problem, only one of terrorism, falsified matters and impeded efforts for peace and reconciliation. The international community must therefore remain vigilant in scrutinizing the Sri Lankan Government's commitment to the Commission to seek the whereabouts of disappeared persons, bring those responsible to justice, forbid the practice of enforced disappearance by its own security forces and review its emergency laws and regulations as they affected unwarranted arrest and detention. True progress would be greatly enhanced if the Government were to initiate peace negotiations in good faith. Until peace and full constitutional protection for human rights were restored, the situation in Sri Lanka could not be regarded as normal, and in the present circumstances, bilateral agreements between the Government and those of European countries such as Switzerland, to deny asylum to Sri Lankans, must be condemned.

33. The military blockade of the island of Bougainville had entered its fourth year, with no sign of relief for the people caught in the war between the Papua New Guinea security forces and the Bougainville Revolutionary Army. The former, contrary to international conventions, persisted in denying humanitarian relief to the war victims. It was essential for the Government of Papua New Guinea to permit access to the conflict area by qualified international fact-finding missions. The World Council of Churches urged the Commission to insist that the Papua New Guinea Government should honour its commitment to invite an international peace mission to Bougainville and to enter into negotiations, in good faith, with the representatives of the people of Bougainville for a prompt, just and peaceful settlement of the conflict.

34. The World Council of Churches was also concerned about the situation in Chiapas, Mexico. Two international church delegations had recently visited the region. Troops of the Mexican army were reported to have perpetrated enforced disappearances, extrajudicial executions and other inhuman treatment of civilians. Of much greater importance, in the eyes of the churches, was the long-term climate of poverty, marginalization and obstruction of justice affecting the majority indigenous population in Mexico. Over two decades of illegal expropriation of indigenous lands had led to the current conflict. The World Council of Churches strongly recommended that the Commission should consider the case of Mexico at its fifty-first session, that the Sub-Commission on Prevention of Discrimination and Protection of Minorities should mandate an investigation into the root causes of unrest in Chiapas, and that the situation of indigenous peoples there should be reported to the Sub-Commission at its next meeting.

35. A delegation recently sent by the World Council of Churches to parts of the former Yugoslavia had confirmed the extensive practice of rape and enforced prostitution as a means of intimidating, humiliating and abusing civilian populations in times of conflict. Reports of such practices had also been received from Cambodia, Mozambique and elsewhere. Although the human rights monitoring role given at times to United Nations peace-keeping or observer missions was welcome, it was noted that in some cases United Nations forces themselves had been involved in such practices. The Commission was urged to give special attention to the matter.

36. The World Council of Churches had closely followed the use of torture and other inhuman and degrading treatment of persons in a variety of situations around the world during the past 30 years, and had noted that they tended to spread if not strictly controlled when first identified. The Commission had an important role, in that regard, inter alia, in ensuring that all perpetrators of such practices, including members of United Nations forces, were immediately punished, and that all United Nations force commanders were given strict guidelines to prohibit them.

37. An observer (name withheld) for the Women's International League for Peace and Freedom drew attention to the serious violations of fundamental human rights being perpetrated against Colombian women: killings for political or "social cleansing" motives, enforced disappearances, internal displacement, arbitrary detention and other acts, mostly committed by agents of the State or paramilitary groups operating with them. An example was the confession made to the Attorney-General, in January 1994, by two intelligence officers of the Colombian army that, on the orders of a colonel, they had carried out a number of extrajudicial executions in the Magdalena Medio. The victims had included many women, a number of whose names were read out. In addition, women had been the victims of political persecution. One example was Aida Abella Esquivel, president of the opposition Unión Patriotica, which, since its formation in 1985, had been subjected to political repression which had cost the lives of more than 2,000 activists. Such events showed that the new 1991 Constitution, article 43 of which devoted special attention to women, was a dead letter.

38. It was up to the Commission, therefore, to take requisite steps. The Special Rapporteur on extrajudicial, summary or arbitrary executions, the

Working Group on Enforced or Involuntary Disappearances and the Inter-American Commission on Human Rights had recommended that the Colombian Government should purge the military forces of elements responsible for human rights violations, restrict the proceedings of military courts - the chief means of ensuring impunity - to military matters, and repeal the emergency legislation. But the Government had given effect to none of those recommendations. In view of the situation and the Government's non-compliance with its international human rights obligations, the Commission should appoint a special rapporteur for Colombia, and the situation in that country should be considered under item 12 of the Commission's agenda.

39. Another observer (name withheld) for the Women's International League for Peace and Freedom read out a statement by a Croatian member of the organization, drawing the Commission's attention to the human rights violations suffered by thousands of her fellow-citizens, including women and children, whose whereabouts remained unknown even though the conflict between Serbia and Croatia had ceased. Many Croatians had been taken forcibly from their homes, and the whereabouts of many of them remained unknown. The author had personally experienced the anguish of not knowing whether a loved one was alive or dead. She, like many other women whose families had been taken by the withdrawing Serbian army, had vainly tried to obtain information about her own son, who had been missing for 19 months before she had been informed that the coffin containing his body would be delivered to her for burial. She still did not know when or how he had died.

40. Having read the statement, the speaker appealed to the Commission, on behalf of the Women's International League for Peace and Freedom, to take measures to help in obtaining information about missing persons in the former Yugoslavia, to urge all Governments of the new States there to cooperate fully, and to request the Co-Chairmen of the International Conference on the Former Yugoslavia to put the matter of missing persons on the Conference agenda. She also requested that the Working Group on Enforced or Involuntary Disappearances should accelerate its investigations in the former Yugoslavia, and that the Zagreb office of the Special Rapporteur on the situation of human rights in the former Yugoslavia should be provided with the necessary resources to enable investigations into disappearances to proceed.

41. Ms. SANCHEZ (Christian Democrat International) said that representatives of her organization, at a meeting in Brussels with the President of the National Assembly of People's Power of Cuba, had stressed that, despite their organization's well-known opposition to the United States embargo against Cuba, the resulting economic hardships did not justify the political immobilism situation there, including the absence of pluralism in the Assembly itself, and that CDI was closely monitoring the situation of human rights.

42. With regard to the latter, there were a number of contrasts. Although some 30 political prisoners, including Maria Elena Cruz Varela, had been released during 1993, there was reliable information about the growing number of persons detained on political grounds. Particularly alarming was a law, applied chiefly against young persons, which enabled persons to be arrested, summarily tried and sentenced to up to four years in prison without having committed any offence, solely on the presumption that they might do so. Likewise, violations of workers' rights continued to increase during 1993;

workers continued to be sacked for political reasons and then, in some cases, arrested on charges of vagrancy. Under Decree-law No. 132, increasing numbers of workers had been fined, had been suspended and had had their wages stopped or had been transferred to lower-paid jobs. The economy could not be revitalized if the labour force could not exercise the fundamental rights guaranteed by ILO instruments.

43. Both the Conference of Bishops of the Catholic Church and the Methodist Church of Cuba had stated that the country's current crisis was not only economic but had grave political, social, moral, spiritual and cultural implications, and that the climate of violence was increasing on account of the crisis. According to the message of the Catholic Bishops of Cuba on 8 September 1993, the omnipresent official ideology, the restrictions imposed on freedom, the excessive control exercised by State security bodies, the large number of persons imprisoned for acts which should not be deemed criminal or warranting detention, and discrimination on philosophical, political, religious or other grounds were all violations of human rights which the Commission should consider.

44. The Cuban Government, however, showed no sign of wishing to seek a solution based on openness and genuine dialogue. Therefore, a visit by the Special Rapporteur on Cuba would seem an essential first step. Another measure which would help would be for the United States Government to review its punitive economic measures against Cuba, measures which the international community had opposed on several occasions. It was also hoped that the dialogue recently announced by the Cuban Government would be extended, as soon as possible, to authentically democratic and representative social and political groups.

45. In Haiti, the situation continued to worsen, and the economic sanctions being applied had only served to deepen the crisis and the population's suffering. The blockade had led to growing corruption, smuggling, and unemployment, and the ruin of emergent small and medium-sized businesses. Meanwhile, military repression was growing and the tonton macoute had reappeared, acting with greater cruelty and impunity than ever.

46. Since Haiti was a parliamentary regime, it was in the Legislative Assembly that practical formulas should be sought for the restoration of democratic procedures and institutions. In addition, there should be a review of the sanctions, and efforts by international bodies to assist Haiti in improving the human rights situation.

47. Ms. WESCHLER (Human Rights Watch) said that in Angola, where one of the world's bloodiest conflicts was being waged, civilians had become victims of calculated violence by both sides: on the one hand, limpeza (a form of ethnic cleansing) by UNITA forces; on the other, manhunts by government-tolerated vigilantes. According to reports from the central and the northern provinces, both sides were engaged in killing and intimidating civilians as a method of warfare, especially against people of a different ethnic group. Humanitarian agencies estimated that at least 40,000 people had been killed since 30 September 1993, and that tens of thousands had been injured. Other consequences were mass civilian displacement and further ethnic division. A

primary cause of civilian injury and death was the spread of land-mines; it was reported that more mines had been planted since January 1993 than during the previous five years.

48. In Bosnia and Herzegovina, all parties to the conflict had been guilty of human rights violations, in varying degrees. Although the chief offenders had been Serbian military and paramilitary forces, their "ethnic cleansing" policy and actions did not absolve other parties of their due responsibility. Human Rights Watch had produced extensive documentation of abuses such as summary executions of civilians and disarmed combatants, abuse in detention, rape and hostage-taking. Once the facts were established, those responsible must not go unpunished; the principle of accountability for human rights abuses must not be weakened under any circumstances, including peace negotiations. Human Rights Watch strongly supported the International Criminal Tribunal for the former Yugoslavia, and urged Governments to take all appropriate measures to ensure its effectiveness.

49. National and international attention had been drawn increasingly, during the past year, to rape as a form of torture in custody and a human rights violation in the context of armed conflict. Instances of widespread rape by Indian security forces in Kashmir had been investigated by Human Rights Watch; few of the incidents had been investigated by the authorities and, when reported, had not led to prosecutions. The fear of rape had reportedly been a factor in the flight of Muslim families from Kashmir. In Somalia, too, rape was a cause of displacement. Of the Somali women refugees in north-eastern Kenya, nearly half of those who had reported being raped had cited that as one reason for their flight. Of the 192 cases considered, 85 had been raped in Somalia before fleeing to Kenya.

50. The proliferation of land-mines was a human rights scourge affecting roughly one third of the developing world and was increasing by the month. The Commission had recognized the problem at its previous session in resolution 1993/83, as had the General Assembly at its previous session. The Special Rapporteur on Afghanistan had noted in his report for 1990 (E/CN.4/1990/25) that the problem of minefields was fundamentally linked to the right to life and the right to security. Human Rights Watch had concluded that there were approximately 100 million land-mines planted or scattered in over 60 countries, the worst affected being Afghanistan, Angola, Cambodia, Iraq, Kuwait, Mozambique, Somalia, Sudan and the former Yugoslavia. De-mining efforts supported by the international community were an important first step towards dealing with that major human rights problem.

51. Human Rights Watch called on all States to conform to international standards for the treatment of civilians in conflict situations and to uphold the principle of accountability for abuses in that context.

52. Mr. WOLDE MARIAM (Anti-Slavery International) said that some human rights violations stemmed from imperfect human institutions, but in some regions, such as the Horn of Africa, where political power was acquired and maintained by the gun, human rights violations constituted the main instrument of dictatorial rule. The grossest human rights violations attracted international attention when they became dramatic enough for television

screens; but the international community, and the Commission in particular, must find ways to identify signs before matters became out of hand.

53. Such signs were to be observed in Ethiopia. With the fall of the Derg, the military regime whose gross human rights violations had been notorious, there had been great expectations for the democratic process, the rule of law and respect for human rights in Ethiopia. Unfortunately, that goal was as remote as ever. The Ethiopian Human Rights Council had noted a number of gross violations of human rights, including the killing of 28 persons by security forces, the death of at least 35 prisoners in 1992 and 1993, presumably from malnutrition and disease, the disappearance of 13 persons for periods ranging from three to nine months, the legal detention of thousands of persons, for months and even years, the continued detention of seven prisoners several months after the courts had ruled their release, and a particular form of crude, disabling torture consisting of binding a victim's arms; photographic evidence was available for those who wished to see it. And there was a current campaign in Ethiopia to silence the press; at the time of his departure from Addis Ababa the previous weekend, 18 journalists had been in prison and two had disappeared.

54. The principles set forth in the Universal Declaration of Human Rights admitted no boundaries of race, sex, religion, social status or other difference between individual human beings. No veil of cultural peculiarity or sovereignty should be allowed to divide the fundamental unity of humanity and the concern that human beings should have for each other. In that spirit, the Commission should consider the appointment of a special rapporteur on the situation in Ethiopia.

55. Mr. BACALE (African Association of Education for Development) said that the Commission and the international community were the only hope for the people of Equatorial Guinea to rid itself of the cruel dictatorship which it had suffered for 25 years, currently under President Obiang Nguema.

56. Although 1992 had seen the detention and torture of more than 100 opponents of the regime, in 1993 there had been a new wave of repressions, with arbitrary detention, extrajudicial imprisonment, killing and intimidation of the democratic opposition and of civilians. The unprecedented clamp-down, organized at the highest levels of the State and carried out by the security forces, had culminated in the detention of former members of the armed forces. The President had justified the detentions on the grounds that those detained were vagrants who were stirring up trouble in Malabo.

57. Meanwhile there had been a demonstration by a group of young people on the island of Annobon in support of a minimum standard of living. The army had opened fire on the unarmed protesters, of whom two had been killed. The rest had taken refuge in the woods. Taking advantage of the situation the President had sent in his security forces, who had embarked on an orgy of looting, rape and destruction throughout the island. Two days later, on 15 August, a ship had arrived containing over 250 "Ninjas" - a unit of the security forces trained to kill and torture - led by a brother of the President; there followed the indiscriminate detention of all the men on the island, including the mayor of the only town.

58. Some 30 islanders had been locked up in Annobon prison, in appalling conditions of suffering humiliation and torture, until they were taken in chains to Bata. There they had been imprisoned, six to a cell in cells 4 m^2. Subsequently they had been tried by court martial, accused of secession and assault. Their opponents had proposed the imposition of the death sentence. In the event prison sentences ranging from 20 to 28 years had been imposed on eight men and the rest had been acquitted, bringing to an end the farcical expedition mounted against the mere 2,000 islanders of Annobon. Since that time, the Government had imposed a news blackout on the island.

59. In another incident a former army officer, Mr. Pedro Motu Mamiaga, in danger of arrest by a presidential security patrol, had sought refuge with the Archbishop of Malabo. Archbishop Ildefonso Obama, however, was a brother of one of the President's ministers and had refused his protection. Mr. Motu had been arrested by the Ninjas or by the "Squadrons of Death", an armed unit formed principally from members of the President's clan. He added that the Ninjas were a cause of terror throughout the country. They subjected their victims to degrading and inhuman treatment, such as forcing them to swim in diesel oil or pouring petrol over them and leaving them out in the sun.

60. Mr. Motu, to whose lot it had fallen to arrest the former dictator, President Macias, the uncle of the current President, had been taken by them to a place called Black Beach, where he had been ritually tortured by being disembowelled and having his heart taken out. Not only had the authorities refused to hand over his body to his family, but some 20 members of the armed forces involved in the Motu case had been arrested on a charge of organizing a military uprising.

61. During 1993 two activists of the People's Union were tortured and killed in prison in the city of Ebebiyin. Senior members of the Government, such as Manuel Nguema Mba, Secretary of State for Security, and Armengol Ondo Nguema, a brother of the President and Director-General of Security, had participated in the various killings, tortures and acts of repression. Indeed, following the opposition's triumphant policy of abstaining from the fraudulent parliamentary elections on 21 November 1993, repression had increased; it was impossible to move around the country except on presentation of one's electoral card and the Government was making every effort to provoke violence and destabilize the opposition. A number of people had been detained for political reasons. The Government accused the opposition political parties of acting with foreign support and therefore held them responsible for any loss of life in the country.

62. His organization denounced the repeated and brutal violations of human rights in Equatorial Guinea; the climate of violence, persecution, torture and killing fostered by the authorities; the creation of violent structures, such as the Ninjas and the security apparatus; the risks run by political activists under the dictatorship; and the excessive power wielded by General Obiang. He therefore appealed to the United Nations, the European Community, Spain, the United States of America and France to take all necessary measures to ensure respect for human rights in Equatorial Guinea, including the use of force or the freezing of President Obiang's foreign bank accounts.

63. Ms. TRUJILLO (International Union of Young Christian Democrats) reminded the Commission that for 50 years it had debated and made resolutions on behalf of peoples whose Governments had violated their rights. Two generations of Cubans had denounced the human rights violations committed by the Marxist-Leninist Government of Cuba. Little had changed in that time; yet she and her generation still hoped and believed that God and the Commission could help them.

64. In the previous months the Cuban Government had attempted to maintain its political intransigence, even though it had embarked on some half-hearted economic reforms intended to mark the beginning of democratization. The result had been a considerable increase in human rights violations. Pointing out that 62 per cent of the 11 million Cubans were below the age of 35, she said that the average age of political prisoners - 24 years - was also low. Such people had been sentenced to as much as 10 years in prison on such dubious charges as "enemy propaganda", "illicit association" and "being dangerous people". As though it were a State secret, the Government did not disclose the number of political prisoners nor the number of prisons. Cuban human rights organizations, however, calculated that the prison population was some 218,930, more than 2 per cent of the total population.

65. The majority of those fleeing the country because of the economic and political crisis were also young. Of those, 3,646 had reached the United States coast, usually in unseaworthy craft; it was a startlingly high figure, considering that only one in three of those attempting to cross the 90 miles of sea succeeded in doing so.

66. In those circumstances the conflict between the Governments of Cuba and the United States was being conducted for political ends, at the expense of human considerations. The Christian Democrat Party of Cuba and its Youth Section, of which she was the Chairwoman, were opposed to any such approach, at home or abroad, which hampered the free self-determination of the Cuban people. It therefore urged, with equal force, both that the United States embargo on Cuba should be raised and that the Cuban Government should respect its people's human rights. The cold war was over; but the resulting changes should not be limited to the relations between Governments. A Government should also heed its own people. The Cuban Government should not use its differences with a foreign State as a pretext for denying its people the right to establish political parties, enjoy freedom of expression and hold free elections.

67. Her organization therefore supported all those who sought national reconciliation and the participation of all Cubans in the democratic future of her country. She asked the Cuban Government to pay heed to the call for political dialogue contained in the Pastoral Message put out by the Cuban bishops in September 1993; in the resolution of the European Parliament in September 1993; in the resolution of the Latin American Parliament in August 1993; and in the 1993 report of the United Nations Special Rapporteur on Cuba (E/CN.4/1993/39).

68. In conclusion, she hoped that a peaceful solution to her country's problems could be found before it was gripped by civil violence. The Cuban

Government could start the process by releasing its political prisoners, recognizing the opposition groups in the country and respecting the people's human rights.

69. Mr. ABU EISSA (Arab Lawyers Union), pointing out that the current session was the first since the World Conference on Human Rights, said that the Commission should abide by the spirit and lessons of Vienna, from which some positive signs had emerged for progress in human rights.

70. The promotion and advancement of human rights and the protection of fundamental freedoms had been a major objective for the Arab Lawyers Union throughout the 50 years since its founding. Despite the bright future for the advancement of human rights in the world in general, and in the Arab and African regions in particular, presaged by the progress of democracy, there were also real obstacles in its path. The most important of those was the fact that the average person had little confidence in human rights because of the actions of the North, which were based on double standards and selectivity, lack of commitment and the priority given to political interests. Thus, for example, no action had been taken on behalf of the Muslim population in Bosnia and Herzegovina, yet in the case of the Gulf crisis or the two Libyan suspects in the Lockerbie case the North had reacted strongly, despite the catastrophic effects on the people of Iraq and the Libyan Arab Jamahiriya. Such embargoes represented the deliberate denial of the basic human rights of the people of those two countries, including the right to life. The duality and lack of coherence in situations that were nearly identical presented a challenge to the United Nations. It was time to turn away from a national view based on the interests and politics of some countries.

71. The daily violation of the Palestinian people's human rights by the Israeli authorities was threatening the peace and security of the entire region. The situation raised fears regarding the new round of the Middle East peace process. The so-called Gaza/Jericho Agreement did not respect the rights of the Palestinian people and the Arab Lawyers Union warned the international community against any individual solutions to the conflict reached outside the United Nations framework, or at least under its supervision. Unless the Security Council intervened immediately to impose the implementation of all resolutions passed by the United Nations in that regard, and to empower the Palestinian people to achieve its right of self-determination, with Jerusalem as its capital, the region would remain on top of a volcano. The United Nations could not leave the outcome to be determined by either the strength of the victor and its allies or the weakness of the loser.

72. With regard to the human rights situation in the Sudan, his organization was pleased to see that the Special Rapporteur's interim report on that country (A/48/601) had supported all the information and evidence that the Arab Lawyers Union had presented to the Commission over the previous four years and which the military fundamentalist regime of the Sudan had always maintained were fabrications, exaggerations and lies. The dismal record of human rights in Sudan had been reaffirmed in the Special Rapporteur's final report (E/CN.4/1994/48). Arbitrary detention and torture still existed; there was a lack of any judicial independence and all

rights - particularly trade union rights - had been abrogated. Indeed, a former cornerstone of the regime, the ex-President of the Human Rights Commission in Sudan and Vice-President of the appointed parliament, Mr. Aldo Ajo Deng, had testified, following his defection from the country, that the human rights situation was even worse than the Arab Lawyers Union and other human rights organizations had supposed. The Government had expanded the war in the south and converted it into a religious holy war. Taking advantage of the dry season, it had mounted a concentrated summer offensive, with the aim of breaking the people's resistance and emptying the south of its population. Aerial bombardment had resulted in many deaths and the flight of hundreds of thousands of refugees.

73. The intervention of the Security Council and the international community was essential to put an end to the war and to impose an arms embargo on the military Government of Khartoum. The Government's actions did not end with its own people, moreover. It encouraged the citizens of other countries to come and be trained in terrorist practices and be inculcated with extremist thinking and ideology and then it exported them back to their own countries with a view to destabilizing them. Such actions were a major threat to national sovereignty and non-intervention in the internal affairs of States. His remarks were based on complaints from Algeria, Tunisia, Egypt, Uganda, Ethiopia and, most recently, Eritrea.

74. Lastly, he expressed his concern at the disappearance of the Libyan jurist, Mansour Al-Kikhia, a member of the Board of Trustees of the Arab Organization for Human Rights, following the conclusion of the work of its General Assembly in Cairo in December 1993. Such a disappearance was of particular concern when it affected human rights activists and those who disagreed with their Governments. He urged the Commission to pass a resolution making it possible to intensify the efforts to discover Mr. Al-Kikhia's fate, to assign responsibility for his disappearance and to prevent the phenomenon from recurring.

75. Ms. BATZIBAL (International Indian Treaty Council) said that since its inception the Commission had heard appeals from the 300 million people making up the world's indigenous peoples. There were, however, countries which supposedly respected the rights of indigenous peoples, but in practice violated their rights and broke agreements. One example was the Ruby Valley Treaty between the United States of America and the Shoshone nation, signed in 1863; the people's rights to their traditional lands and way of life had been violated under the terms not only of the Treaty itself, but also of the United States Constitution.

76. In the search for better ways of preventing human rights violations everywhere, it should not be forgotten that the major problem was the impunity enjoyed by those who infringed them. Until the international community evolved more efficient mechanisms for preventing such violations, the only weapons were constant vigilance, the denunciation of those responsible and sheer moral force. Thus, for example, in the course of 11 years, the Salvadorian army had killed dozens of members of the National Association of Indigenous Salvadorians, yet nobody had been punished, despite the fact that the identity of those responsible was known.

77. Her organization had carefully studied the report of the Independent Expert, Mr. Pedro Nikken, on the human rights situation in El Salvador (E/CN.4/1994/11). The report noted that there was a serious deterioration in the situation, that the political violence perpetrated by the death squads had risen and that impunity continued. She urged the Commission to keep the situation of El Salvador under review.

78. There had been no improvement in the human rights situation in Bougainville, where the Government of Papua New Guinea had ignored resolution 1992/19 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, calling for the raising of the blockade and for freedom of movement for the islanders. There continued cases of disappearances, extrajudicial and summary executions, torture and other cruel, inhuman and degrading treatment. Her Council urged the Commission to adopt a further resolution to help put an end to the systematic violation of human rights by Papua New Guinea.

79. She also called the Commission's attention to the situation in East Timor, where the military were in occupation, with full impunity, and were oppressing the indigenous people of East Timor. The Commission should express its deep concern at the systematic violation of human rights and fundamental freedoms in East Timor, whose people had the right to use their own language and exercise their civil, political economic, social and cultural rights.

80. She also expressed her concern regarding the situation in Western Sahara, where the Moroccan authorities were putting obstacles in the way of the plebiscite envisaged by the United Nations to put an end to the war, the occupation and the impunity. She believed the Commission should pass a resolution calling on the Moroccan Government to respect United Nations resolutions and to punish those responsible for human rights violations.

81. Another cause of concern was the situation in Sri Lanka. The blockade imposed by the authorities in Colombo on the northern and eastern parts of the country affected the civilian population, particularly children and old people. The population also came under regular bombardment. A resolution should be adopted opening the way to a solution to the conflict and appealing to the Sri Lanka Government to end summary executions, torture, disappearances and the bombardment of the population.

82. Turning to the situation in her own country, Guatemala, she pointed out that the previous year the Commission had decided to give the Guatemalan Government the benefit of the doubt. Repression, however, was continuing. The Independent Expert had recommended the dissolution of civilian self-defence patrols, an end to forced recruitment and a recognition that communities who had fled were civilian, non-combatant populations; only thus would human rights and fundamental freedoms be guaranteed. None of those measures had been implemented. Young men, many of them below 15 years of age, were rounded up by force and brutally obliged to repress their own indigenous people, ignoring the values of Mayan culture. In October 1993 a mass grave had been discovered containing the bodies of 70 women, of whom three had been pregnant, and 105 children. The military and the patrols still operated with full impunity. Many communities were subject to military attack. It was

regrettable that the President of the country, who had formerly been concerned with human rights, had not only not prevented human rights violations in the country, but had actually endorsed those responsible for such violations, taking on himself personal and institutional responsibility for their actions.

83. The time had come for the Commission urgently to adopt a resolution calling on the Guatemalan authorities to put an end to all violations of human rights and fundamental freedoms and to ensure that those responsible were brought to trial and punished; and also calling for an end to enforced and discriminatory military recruitment and for the disbanding of the civilian self-defence patrols (PACs), and an investigation into the fate of more than 40,000 persons who had disappeared. It should also appoint a special rapporteur, continue to monitor the case, and decide to consider the situation of human rights in Guatemala under item 12 of its agenda; and should call upon the parties involved in the conflict to resume dialogue and sign the human rights agreement, agreeing to the establishment of a Commission on the Truth, with the support and participation of all sectors, including the indigenous communities, and of the international community. Meanwhile, until such time as more effective mechanisms were found to put an end to impunity, the only hope lay in the moral force of international condemnation.

84. Mrs. BHAN (All India Women's Conference) said that Kashmiris were the victims of a war and of fundamentalist terrorism unleashed by a theocratic Pakistan, which for the past 47 years had been trying to unsettle a society that had lived in peace and harmony for thousands of years previously. Ever since 1947, overt and covert means had been used to destroy the peace and tranquillity of the region. Yet Kashmiris, Hindus and Muslims alike, had resisted them peacefully and collectively. In recent years, however, Pakistan had resorted to new tactics, flooding the Kashmir valley with mercenaries, and with young Kashmiris who had been indoctrinated and trained as terrorists. The result had been a bloodbath in which the population had been denied the protection of the State or Union Governments, followed by the forced migration of virtually the entire minority community from the valley.

85. It was the first time that the speaker had had the privilege of addressing a United Nations body. She made no claim to understand international covenants or United Nations resolutions. What she wanted the Commission to know was that, four years after those massacres, she and hundreds of thousands of other innocent Kashmiris were still refugees and homeless exiles. All of them longed to return to the places where they had grown up, and where they wanted their children and grandchildren to grow up. Yet that would not be possible until the collective voice of the free world persuaded Pakistan to stop wreaking havoc in Kashmir. On behalf of the suffering women of Kashmir, she called upon the conscience of the free world to respond to that massive human tragedy.

86. Ms. ZEENAT (All India Women's Conference) said that it was not just the Hindu minority community that was a victim of terrorism in Kashmir: over 50,000 Kashmiri Muslims had been forced into exile for daring to oppose the terror unleashed by Pakistan. Kashmiris had supposed that the brutalities committed by Pakistan in 1947 could never be repeated, that in a changing world order, nations would understand the futility of aggression. Yet

in 1988, in the name of Islam, Pakistan had launched another vicious war on the Kashmiris, thereby revealing its ignorance of a religion that stood for peace, tolerance and human dignity.

87. Pakistan had been attempting to annex Kashmir ever since 1947, when it had annexed a part of the State, calling it Azad Kashmir (Independent Kashmir) - an irony, since it was in reality the enslaved Kashmir. Over three quarters of the territory of the State had been carved away, and renamed the Northern Areas. The population of that colony of Pakistan had never once been given the opportunity to participate in elections. Pakistan refused to comply with a judgement of the High Court of Pakistan-Occupied Kashmir that the Northern Areas should immediately be made a part of Pakistan-Occupied Kashmir. Pakistan was denying the right of self-determination to the people of Kashmir, which it had occupied illegally. Pressure should be exerted on Pakistan to decolonize the part of Kashmir that it had annexed.

88. The words "Freedom For Kashmir" were frequently bandied around by outsiders who had no concern for the human values, peace and progress of Kashmir. Many people were fighting a legitimate battle for the freedom and liberation of Kashmir; but they were battling for freedom from terror, freedom from the religious bigotry and fundamentalism which Pakistan sought to impose upon them, freedom from hatred and prejudice, and freedom from the fear of the gun. They wanted to save their age-old culture from the clutches of those who sought to enslave them. The return of peace to Kashmir depended on the successful outcome of pressure by the international community to halt the promotion of terrorism by Pakistan.

89. Mr. RICH (Survival International) said that on 19 February 1985 Ben Andrew, an Innu from Sheshatshiu, Labrador, had addressed the Commission on item 9, and had referred to the disintegration of Innu society under 30 years of European colonialism. Sadly, the Government of Canada continued to deny the Innu people the right freely to determine their own future. Indeed, the response of the observer delegation for Canada to Mr. Andrew's intervention had been to categorize the Innu as a minority, and hence without the right to self-determination.

90. Since 1985, when the effects of Canadian government policy had already begun to manifest themselves in a suicide rate among the Innu people 17 times higher than that among the European settlers, the situation had deteriorated further. Canada continued to rent out Innu air space to the air forces of the United Kingdom, Germany and the Netherlands for tactical low-level flight training. Video-taped evidence of social collapse among the Mushuau Innu had caused a scandal in the international press the previous winter. However, little attention had been devoted to the causes of that social collapse. What was happening must be seen in the context of a pattern of relations between the Innu people and the alien Government that had entered their land in force in the 1950s, and, in the case of the Mushuau Innu, only in 1970.

91. From the middle of the century, the Innu population of the Labrador/Ungava peninsula had been subjected to a number of Government-organized relocations. The relocation of the entire population of Mushuau Innu at Utshimassits had had particularly disastrous consequences. According to one Newfoundland official, of the children born in the

three years following the relocation, only seven had survived, while 70 had died. Following that experience, the surviving half of the population had escaped and walked for five months to return to the area near Davis Inlet.

92. In 1967 the Government had decided to establish the Mushuau Innu in a permanent village where, in the language of the officials responsible, they might be "civilized". The mainland population was moved to the island of Iluikoyak, where houses and a school were built. Marooned for much of the year on that island and separated from their hunting grounds, they fell prey to alcoholism and tuberculosis. Missionaries mounted an assault on their hunting-based religion. Following the introduction of structured schooling by European teachers, the family system for the transmission of knowledge, skills, values and beliefs had abruptly broken down - a process that quickly led to ethnocide.

93. Between 1973 and 1992 there had been 47 alcohol-related deaths among the newly sedentarized Mushuau Innu. In the period from July 1991 to December 1993, there had been 53 contemplated suicides requiring intervention and 150 attempted suicides involving firearms, drug overdose, ingestion of poisonous substances, hanging, burning or drowning. Two of the attempts involving firearms had been successful. Those reported attempts represented an estimated 60 per cent of the true total.

94. The message to the Mushuau Innu from their new European masters had been "become like us or perish". Many found death a more attractive choice than life in the conditions created in the Government-built village.

95. In August 1993 the Canadian Commission on Human Rights had issued the Report on the Complaints of the Innu of Labrador which it had commissioned from the Dean of the Common Law Section of Ottawa University's Faculty of Law, Mr. Donald McRae. In conclusion No. 48 of his report, the Rapporteur stated that it was clear that the Mushuau Innu were the victims of ethnocide or cultural genocide. In conclusion No. 33 he stated that the negligent and abusive actions by the Federal and Newfoundland Governments, and their repeated failures to act, amounted to systematic and gross violations of the human rights of the Mushuau Innu. The report, copies of which were available from his delegation, described in detail the government and church policies that had brought the Mushuau Innu to the brink of complete social collapse. Three weeks previously, Canada had responded to a proposal from the Innu to address both the causes and the effects of the crisis. While it welcomed that evidence of Canada's willingness finally to acknowledge the legacy of its rule over the Innu and to deal with its consequences, his organization awaited evidence that Canada had indeed adopted a new approach to the Innu people, recognizing its right to self-determination.

96. Mr. van Wulfften Palthe (Netherlands) took the Chair.

97. Mr. MEJÍA (World Organization against Torture) said that repression of the Kurdish population, opposition groups and religious sects such as Baha'is and Christians in the Islamic Republic of Iran was the result of calculated government policy. Thousands of people endured a similar situation in the Sudan as a result of the policy of arabization and Islamicization, in which rape was used as a means of "creating a new Islamic generation". In both

countries, the legal system was manipulated to secure political ends. A similar trend was to be observed in Iraq, particularly in the south of the country. More than 70,000 men, women and children detained in 1988 during the Anfal operation were still missing. In view of the situation in those countries, the Commission must call on the authorities to release those illegally detained, and should also urge the Iranian authorities to end activities likely to jeopardize international security. The Iraqi authorities should be required to lift the obstacles to international aid efforts.

98. The Commission should also recommend the adoption of measures at international level to bring about a swift and lasting solution to the situation in Zaire, where, as the report of the Secretary-General (E/CN.4/1994/49) revealed, hundreds of persons were the victims of institutional violence and repression. In Bougainville, too, unlawful detention, torture, summary executions and forcible displacement were commonplace. The Commission should call on the authorities of Papua New Guinea to end that situation, and should invite the Special Rapporteurs on the questions of torture and summary executions to carry out a fact-finding mission. In East Timor, despite signs of cooperation on the part of the authorities, there had been no real improvement in the situation. Harassment, unlawful detention, torture and enforced disappearance were a routine occurrence, and the trial of those responsible for the Santa Cruz cemetery massacre in Dili demonstrated that impunity prevailed. The Commission should continue to consider that situation as a matter of priority, until such time as the rights of the people of East Timor were fully recognized.

99. The situation in Haiti was a matter for particular concern. Gross human rights violations by all parties took place in a climate of total impunity, and the situation had further deteriorated since the withdrawal of the International Civilian Mission. The Commission and the international community must make every effort to ensure that legitimate democracy was restored. With regard to Cuba, his organization endorsed the recommendations of the Special Rapporteur, contained in paragraph 69 of his report (E/CN.4/1994/51). The Commission should again call on the authorities to cooperate with the Special Rapporteur, and to free those persons detained for exercising their fundamental freedoms. Furthermore, in the light of the specific socio-economic conditions in Cuba, their adverse consequences for the population, and the serious external obstacles to attempts to breathe new life into the economy, the Commission should endorse the Rapporteur's conclusions set forth in paragraphs 74 and 75 of the report, and should call on the United States of America to suspend its economic and financial blockade.

100. In Colombia, the Philippines, Guatemala, Sri Lanka and Turkey, violence and repression were especially widespread, as was impunity. The responsibility or identity of the perpetrators of the violations were concealed, military and secret courts were given excessive powers, and the powers of the ordinary courts reduced accordingly. The Commission should single out those countries for special attention, encourage the peace initiatives under way in some of those countries, and urge the international community to take concerted action to find a lasting political solution to the conflicts.

101. The Commission must continue to devote special attention to the situation in Rwanda, where rejection of the Arusha Agreements by some politicians and sectors of the military gave grounds for fearing that the peace process might be seriously jeopardized. Inter-ethnic rivalries were also being exploited in an attempt to hamper the peace process. In Burundi, since the attempted coup d'état which had resulted in the death of the President and of a number of ministers, the process of democratization was also compromised by a crisis with an ethnic component. The climate of uncertainty in both countries was part of a pattern of regional instability, exacerbated, particularly in the case of Rwanda, by interference on the part of neighbouring countries, interference which threatened international security in the region. The Commission should recommend appropriate measures to ensure stabilization and democratization in that region.

102. Developments in Tibet also called for attention on the part of the Commission. In the past year, hundreds of persons had been detained, ill-treated, tortured, summarily tried or detained in inhuman conditions. The Commission should call on the Chinese authorities to end those acts and promote respect for the rights and freedoms of the Tibetan people. In Bhutan, the process of "Bhutanization", confirmed by the Citizenship and Marriage Act, had resulted in more than 120,000 persons (one sixth of the population) taking refuge in Nepal or India. In Nepal itself, more than 2,000 persons, including 17 parliamentary deputies, had been detained in the past year, and torture was widespread. The report of the Special Rapporteur on extrajudicial executions (E/CN.4/1994/7, para. 460) gave details of deaths resulting from the activities of the security forces. There, too, violations formed part of an overall picture of political antagonisms and socio-economic difficulties, exacerbated by the presence of a number of refugees, many of them in imminent danger of expulsion under the classification recently drafted by the Nepali-Bhutanese Joint Committee. The Commission should request the respective authorities to suspend the classification forthwith, and to consider the situation in cooperation with the Office of the United Nations High Commissioner for Refugees.

103. Lastly, his organization wished to draw attention to the situation in Mexico, where the peace initiatives and the proposals of the authorities to meet the demands of the population were highly constructive. Nevertheless, attempts were being made to grant impunity to those responsible for serious human rights violations, and to exclude the indigenous and peasant communities from the negotiations aimed at finding solutions to the socio-political, economic and cultural problems of the country. The Commission should encourage the authorities to prevent all forms of impunity, and to ensure full participation by the indigenous and peasant communities in the formulation and implementation of the policies needed to overcome factors likely to cause destabilization and conflict. In countries throughout the world where persons suffered from violence and repression, the authorities should be urged to provide mechanisms to assist and rehabilitate the victims. The Commission should also urge the international community to strengthen its cooperation with the United Nations Voluntary Fund for Victims of Torture.

104. Mr. GWAM (Nigeria) said that a global survey of compliance with all human rights provisions would indicate that not one State could be said to be totally free of violations. That failure to promote all aspects of human

rights should be cause for a renewed commitment and joint action to eliminate all violations, particularly those touching upon the dignity of the human person, such as the basic right to food, health and shelter.

105. Many people, whether individually or collectively, did not enjoy economic, social and cultural rights. Particularly in developing countries, that state of affairs was due to structural impediments resulting from the legacy of the past and from poorly conceived institutions, and had been compounded by inter-ethnic and intra-ethnic rivalry fuelled by competition for meagre State resources. The tragedies unfolding in Angola, Mozambique, Liberia, Rwanda, Burundi and the Sudan must be seen against that background. Elsewhere, post-cold-war changes had led to the collapse of old States and attempts to create and assert new identities. In Bosnia and Herzegovina, Azerbaijan and Armenia, those attempts had led to wars and gross violations of all aspects of human rights. All those tragedies were reminders that despite lofty proclamations and declarations, the world was still a cruel place, in which the goal of respect for the dignity of mankind and all aspects of human rights was far from achieved.

106. The international community must act to put an end to those tragedies, ensuring through the Commission on Human Rights and the individual organs of its States that peace returned to Angola, the Sudan, Somalia, Chad, Rwanda, Burundi, Mozambique, Armenia and Azerbaijan. There must also be a just and fair solution to the problem of Bosnia and Herzegovina. If the international community failed to act, those countries would be condemned to endless violence and permanent underdevelopment. The struggling democracies of Angola and Burundi must be helped to promote the exercise of human rights. All those countries must be assisted in their quest for peace, so that they could concentrate on development thereafter.

The summary record of the second part of the meeting appears as document E/CN.4/1994/SR.51/Add.1

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Fiftieth session

SUMMARY RECORD OF THE 51st MEETING
(SECOND PART)*

Held at the Palais des Nations, Geneva,
on Wednesday, 2 March 1994, at 7 p.m.

Chairman: Mr. NEAGU (Romania)
later: Mr. van WULFFTEN PALTHE (Netherlands)

CONTENTS

Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:

(a) Question of human rights in Cyprus (continued)

* The summary record of the first part of the meeting appears as document E/CN.4/1994/SR.51.

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (agenda item 12) (continued)

(E/CN.4/1994/3-6, 7 and Corr.1 and Add.1-2, 8, 46-61, 97, 102-104, 110, 115, 119, 122; E/CN.4/1994/NGO/7, 9, 12-15, 22-24, 26, 28, 29, 37, 40, 42-44; A/48/584, 526 and Add.1, 561, 562, 578, 600 and Add.1, 601)

1. Mr. MUSA HITAM (Malaysia) said that after two years of inaction, it had taken a savage attack on innocent civilians in Bosnia and Herzegovina to galvanize the international community into threatening decisive, though very restricted, actions through the North Atlantic Treaty Organization (NATO) to stop the carnage wrought by the Serbs on the Bosnian Muslims in Sarajevo. It was unfortunate that NATO's earlier failure to take a firm stance against the Serbs had contributed to their false sense of importance, by allowing their grave human rights violations to go unpunished.

2. For nearly two years those with the power to act had passed the buck, advancing flimsy excuses, such as fear of retaliation, for their inaction. Malaysia, which had been an active contributor to United Nations peace-keeping operations from the Congo to Cambodia, and was currently contributing to those in Somalia and Bosnia, had never harboured any illusions about the risks involved. Its soldiers had suffered casualties and accepted risks, as had the Malaysian people and Government. It was ironic that, the West, while itself reluctant to send extra troops to shore up UNPROFOR, had turned down the offer by the countries of the Organization of the Islamic Conference on the grounds that that organization's troops might be biased, while being willing to accept the involvement of troops from a Power whose partiality to the Serbs was an open secret.

3. Such foot-dragging seemed to indicate that the major players on the European scene had reverted to balance-of-power politics that traded appeasement for peace. The developing world, which was often considered not quite civilized, was amazed to witness the practice of ethnic cleansing and the crimes that followed in its wake, in such a so-called civilized region.

4. The plight of the Bosnians was compounded by the continuing denial on grounds that were impossible to comprehend, of their right to defend themselves. He reiterated his Government's view that the application of Security Council resolution 713 (1991) to the Government of Bosnia and Herzegovina was immoral, invalid and illegal.

5. Malaysia had always denounced injustice and oppression, whether perpetrated against Muslims or against non-Muslims. Fair treatment was vital to the common pursuit of justice and protection of human rights. Malaysians, most of whom were Muslims, were unable to comprehend the impotence of the leading Powers in failing to come to the aid of Bosnia, and the blatant victimization of Muslims gave them every reason to suspect that there was a conspiracy against Muslims. That sentiment was shared throughout the Muslim world, on account of the double standards and selectivity that applied in bringing human rights violators to book.

6. It was to be hoped that the Serbian guns around Sarajevo had been silenced for good. However, despite that small step forward, it should not be forgotten that Sarajevo was still a city under siege and that the humanitarian relief operations were still being hampered. Moreover, the weapons withdrawn from Sarajevo could be used to intensify the bombardment of other besieged cities.

7. The events that had led to the lifting of the siege of Sarajevo had introduced a new scenario, with another member of the Security Council taking an active interest in the resolution of the conflict. It was to be hoped that the outcome would not be a return to the diplomacy of détente, which would further complicate and prolong the suffering of the people of Bosnia. It was vital for the international community to seize on the recent gains in order to secure lasting peace and respect for human rights in Bosnia. If NATO was serious in its intentions, it should extend the threat of air strikes to other areas under siege so as to create the necessary positive environment for negotiations. The shooting down of four Serbian aircraft the previous Monday was a commendable action.

8. In devising a peace plan, the temptation to force the Muslims into capitulation and acceptance of the aggressor's terms should be resisted, for history had shown that imposed solutions would only create more serious problems in the future. He expressed the hope that the new peace plan involving the Bosnian Muslims and Croats, adopted at the initiative of the United States, could be extended to the whole of Bosnia and Herzegovina in order to preserve the country's sovereignty and territorial integrity.

9. Finally, the Security Council had established an international tribunal for the former Yugoslavia. A solution to the Bosnian conflict would not absolve those responsible for committing or ordering gross violations of human rights. If the international community was serious about achieving a new world order, those who had violated customary international law must pay for their crimes.

10. Mr. MACRIS (Cyprus) said that the current session was taking place against a background of tension, marked by ethnic, religious and territorial conflicts, as well as new emerging dangers. Human rights were increasingly a common concern of mankind and could be better addressed by international cooperation. The 1993 Vienna Declaration and Programme of Action, together with the recent appointment of a United Nations High Commissioner for Human Rights, provided a new impetus for the respect, promotion and restoration of human rights.

11. The question of human rights in Cyprus had first been set before the Commission in 1975, in the wake of the invasion and occupation of the Republic of Cyprus by a foreign Power. For over 20 years, the human rights and fundamental freedoms of the people of Cyprus had been blatantly violated, in disregard of the relevant United Nations resolutions, including those of the Commission itself. For that reason, it was appropriate that the Commission should continue to focus on unresolved human rights issues which had long remained on its agenda, such as the situation in Cyprus.

12. At its forty-ninth session, in decision 1993/109, the Commission had decided to give due priority to the question of human rights in Cyprus at its fiftieth session, and to request the Secretary-General to provide a report regarding the implementation of action required by previous relevant resolutions of the Commission, the most recent of which, adopted in February 1987, had reiterated the Commission's calls for the full restoration of all the human rights of the population of Cyprus, in particular the refugees, and considered any attempts to settle any part of Varosha by people other than its inhabitants as illegal.

13. In his report (E/CN.4/1994/46), the Secretary-General referred to the proposals he had made, which included placing the fenced area of Varosha under United Nations administration, the return of its inhabitants, and the operation of Nicosia airport by the United Nations. Those steps would not constitute a solution to the problem of Cyprus, but represented confidence-building measures to facilitate progress towards a solution. The Government of Cyprus had accepted in principle the package of confidence-building measures and cooperated closely with the representatives of the Secretary-General with a view to reaching an agreement on their implementation, although the proximity talks that had recently started in Nicosia had yet to produce results. Nevertheless, the Government of Cyprus was determined to continue the talks.

14. Pending a settlement, the international community's attention should not be diverted from the gravity of the human rights situation in Cyprus, where nearly 200,000 Greek Cypriot refugees were denied the right to return in violation of United Nations resolutions, as well as those of other international bodies such as the European Commission of Human Rights, which had published a report on 2 April 1982 confirming that the occupying Power was denying the Greek Cypriot refugees the right to return to their homes.

15. Another aspect of the problem was the situation in the Greek Cypriot enclave, where a persistent policy of harassment and discrimination had reduced the number of Greek Cypriots from 20,000 at the time of the invasion to a few hundred. In pursuit of its policy, the occupying Power also prevented the operation of secondary schools for Greek Cypriot children in the enclave. In his report, the Secretary-General had stated that delivery of textbooks was being delayed as a result of the insistence on vetting them, thus adversely affecting the schooling of children. Moreover, the Cypriot delegation had just been informed of the expulsion from the enclave of the last remaining Greek Cypriot teacher. That provocative act would adversely affect the talks on the implementation of the confidence-building measures.

16. The occupying Power was also pursuing a systematic policy designed to alter the demographic character of the occupied part of Cyprus. It was estimated that since 1974 over 80,000 settlers had been transferred there, with injurious consequences even for the Turkish Cypriots, who suffered oppression by the settlers.

17. In resolution 789 (1992) the Security Council had called for a census under United Nations auspices to ascertain the number of settlers in the occupied area. Relevant information was also to be found in

document E/CN.4/1993/82. The policy of the occupying Power also included pillaging the cultural heritage and deliberately altering historic place-names.

18. Although the issue of missing persons had already been addressed under agenda item 10, he appealed for the families of those who had disappeared to be informed about the fate of their missing relatives.

19. The country responsible for the violations he had described continued to transgress international human rights instruments and all the relevant resolutions adopted by United Nations bodies, and in particular Commission resolution 1987/50. It was the Commission's role not only to be apprised of human rights violations, but also to take appropriate action to end them. The case of Cyprus, where massive, gross and continuous violations of human rights had resulted from external aggression and occupation, was a test case for such an approach.

20. Mr. LINDGREN ALVES (Brazil) said that, while item 12 seemed to be the most eagerly awaited on the Commission's agenda, careful scrutiny of all the achievements in the normative and preventive spheres showed that the most important achievements in international efforts to protect human rights stemmed from other items.

21. Nevertheless, his delegation was convinced that denunciations and monitoring played a vital role in such efforts, and believed that the concept of sovereignty and non-intervention should not be used to shield transgressors, whether individuals or Governments. In accordance with the 1993 Vienna Declaration, legitimate international concern for human rights was not subordinate to the principle of non-intervention. Brazil had demonstrated a desire for transparency that was only proper for a democratic regime, by including in its delegation the Secretary of Justice of the State of São Paulo, who had come to Geneva to provide information on cases observed in his state, both to thematic rapporteurs and to non-governmental organizations (NGOs).

22. However, his delegation also believed that in the post-cold war world new mechanisms had to be devised, biases to be overcome and false assumptions to be changed if the international system of human rights protection was to be more effective. One such assumption was that civil and political rights were essentially negative rights, Governments merely being required to refrain from certain actions. However, in Brazil and in most of the Latin American countries, despite the overwhelming presence of democratic Governments, violations still occurred. That was not due to a lack of political will, but rather to the organizational and financial problems besetting those countries. Brazil's own experience had taught it that the protection of all human rights required resolute efforts and substantial investment, and for that reason it had been endeavouring since before the 1993 World Conference on Human Rights, and subsequently with the support of the Vienna Declaration and Programme of Action, to press for the establishment of a new United Nations programme of aid for national projects to strengthen the rule of law and the overall observance of human rights. A draft resolution to that end was circulating in the Commission.

23. He emphasized that democracies could not be treated in the same way as dictatorships and that, if democratic developing countries were subjected to the same pressures as totalitarian regimes, the results might even be counter-productive.

24. Although item 12 was essentially selective, in that it focused on specific country situations, it also included the report of one of the most important thematic rapporteurs, the Special Rapporteur on extrajudicial, summary or arbitrary executions. Brazil considered the establishment of thematic rapporteurs as one of the principal instruments for the international system of protection of human rights. For that very reason, his delegation had been struck by the total absence from Mr. Ndiaye's report (E/CN.4/1994/7 and Corr.1 and Add.1 and 2), of reference to summary executions in certain countries that had been publicized the world over, and, conversely, its reference to other cases that were already being dealt with by due process of law. While recognizing the abhorrent nature of killings of street children, his delegation regretted that the report made such frequent mention of certain specific situations, but failed to refer to others which, as recognized by UNICEF, were more frequent and worrisome.

25. He drew attention to a number of tendencies in the reports of the special country rapporteurs that deserved mention. One of the most laudable aspects of their work was their efforts to cover violations of human rights, not only by Governments, but also by insurgent movements. In that respect, special commendation was due to the report by Mr. Biro on the situation in the Sudan (E/CN.4/1994/48), to the previously mentioned report by Mr. Ndiaye, which addressed the activities of Sendero Luminoso in Peru, and to the report on Afghanistan (E/CN.4/1994/53), by Mr. Ermacora, who had been a voice in the wilderness calling the attention of the international community to the plight faced by the Afghan people after they had been removed from the forefront of super-Power rivalry.

26. Another important aspect of the country reports was the number of Governments that had cooperated with the special rapporteurs by allowing them to carry out missions on the spot and by facilitating their contacts with the opposition and with detainees. His delegation firmly believed that by opening up such channels of cooperation, Governments not only demonstrated their goodwill but also enabled the international community to form a clearer picture of their tangible efforts and their difficulties. For that reason, Brazil disapproved of the persistent refusal of certain countries to allow visits by special rapporteurs, whatever the grounds might be.

27. He concluded by stating his delegation's belief that, while denunciations were useful and monitoring necessary, new and more concrete forms of international cooperation with national Governments were essential for the struggle for human rights to succeed.

28. Ms. KUNADI (India) said that over the years, the United Nations, and the Commission in particular, had given close attention to the question of Cyprus. The partition of any country created human misery, and in Cyprus, where Cypriots had become refugees in their own land, the human dimension of the problem was sadly manifested in the displacement and separation of individuals, families and communities.

29. At their summit in Jakarta in September 1992, the non-aligned countries had reaffirmed their call for the withdrawal of foreign forces and their refusal to accept the status quo. The non-aligned countries welcomed efforts to find a just and viable solution to the situation in Cyprus, in accordance with the Charter of the United Nations and international law.

30. At their meeting in October 1993, the Commonwealth Heads of Government had emphasized that nothing should be done to change the democratic structure of Cyprus. They had also called for the restoration of and respect for the human rights of all Cypriots, and for information on missing persons. The Commonwealth Action Group would continue to monitor developments within Cyprus and, upon request, assist the efforts of the United Nations Secretary-General.

31. In his report to the Security Council (S/26777 of 22 November 1993) the Secretary-General had noted an intensification of efforts to achieve an overall settlement. He had also reviewed the meetings held in 1993 regarding a series of confidence-building measures, which in his view offered real and balanced benefits to both communities, and had stated that the prospects for progress would be greatly enhanced if those measures were adopted. Her delegation ardently hoped that the international dialogue would continue, in a spirit of goodwill, guided by a high sense of statesmanship.

32. Her delegation was concerned that there had been no essential change regarding the implementation of previous Commission resolutions pertaining to refugees and displaced persons, the tracing of missing persons and changes in the demographic structure of Cyprus. India fully supported the unity, independence, territorial integrity and non-aligned status of the Republic of Cyprus and firmly upheld the human rights of all Cypriots.

33. Lastly, she expressed her Government's support for the Secretary-General's efforts to arrive at a just and viable solution to the question of Cyprus and its earnest hope that such a solution would be found at an early date.

34. Mr. MEGALOKONOMOS (Greece), speaking on behalf of the European Union, said that his statement would address human rights violations wherever they occurred.

35. In Europe, as in many other parts of the world, there had been a grave escalation of xenophobic violence and hatred. The Union was grateful to Mr. Mazowiecki, Special Rapporteur on the former Yugoslavia, who had highlighted some very serious human rights violations. It condemned those atrocities and welcomed recent measures to withdraw and place under United Nations control the heavy weaponry in Sarajevo and its surroundings. The lifting of the siege of Sarajevo and the opening of Tuzla Airport should follow. The Union was also deeply concerned about the attacks on UNPROFOR and on the staff of other humanitarian agencies and urged all involved in the conflict to allow unimpeded humanitarian access. The Union welcomed the establishment of an international war crimes tribunal for the former Yugoslavia and looked forward to the early appointment of a prosecutor.

36. The European Union noted the positive steps taken by Albania towards the creation of a democratic political system and urged the Albanian Government to continue reforms to ensure full respect for human rights, in particular the rights of persons belonging to minorities.

37. The Union remained preoccupied by the tragic division of Cyprus and hoped that the talks on a package of confidence-building measures would bear fruit. It continued to be committed to a just and lasting solution that would safeguard the sovereignty, independence, territorial integrity and unity of Cyprus. The appointment of the European observer demonstrated the Union's interest in finding a solution to the problem of Cyprus.

38. The European Union welcomed Turkey's legislative reforms on human rights but regretted the continued application of martial law in large areas of the country and the repeated human rights violations such as torture and arbitrary detention. It was concerned over the constraints on freedom of expression and the harassment of lawyers defending alleged terrorists and their supporters. While terrorism was to be condemned, it should be tackled within the rule of law and with full respect for human rights. Although Turkey had followed many of the recommendations of the Committee against Torture, the Union remained concerned by the Committee's conclusions confirming the systematic practice of torture there.

39. The Union had condemned the violence caused by the renewed crisis in Abkhazia and the increasing number of civilian victims and refugees. It welcomed the resumption of United Nations sponsored negotiations in December 1993 and looked forward to an agreement which would allow the refugees to return home. The same applied to South Ossetia, where the parties needed to show a willingness to negotiate. Under the circumstances, it was essential that Georgia should create the kind of legal and administrative framework which would enable the rule of law to prevail.

40. The Union deplored the violations of human rights in and around Nagorny Karabakh resulting from the armed conflicts there and the tensions between Armenia and Azerbaijan. It supported the efforts by the Minsk Group of the Conference on Security and Cooperation in Europe (CSCE) to find a political solution to the crisis and called on all parties to show the goodwill needed to arrive at a peaceful settlement. Whereas, in 1993, very little progress had been made towards democratization and the establishment of the rule of law, there were now encouraging signs that the Government and the opposition were ready to begin a dialogue, and it was to be hoped that the increased efforts of the United Nations and the CSCE in Tajikistan would contribute to national reconciliation.

41. The Union had noted with concern the restrictions on the freedoms of movement, association and expression imposed on certain human rights activists and opposition parties and movements in Uzbekistan and Turkmenistan and called upon those countries to establish a dialogue with human rights activists and opposition parties and movements, in order to build a democratic society based on the rule of law and respect for human rights.

42. Positive achievements had been made in El Salvador since the cessation of hostilities, in particular the ending of enforced or involuntary disappearances and the creation of a joint group to investigate acts of violence attributed to the illegal armed groups. Nevertheless, the Union was very concerned at the widespread human rights violations committed by members of military and paramilitary groups, as reported by the independent Expert, and urged all parties concerned to comply fully with the recommendations of the commissions set up under the peace agreements. The Union commended the United Nations Observer Mission in El Salvador (ONUSAL) for its valuable contribution and looked forward to a successful outcome of the forthcoming elections under international observation.

43. In Guatemala, the human rights situation gave cause for concern. Although there had been some improvement since the accession to the presidency of Ramón de León Carpio, the independent Expert had reported that, while some violations had diminished, others had increased. The Union urged the Government, inter alia, to allow indigenous people full participation in the political process of the country, to bring to justice all persons responsible for violations of human rights, to put an end to violence and impunity, to place the armed forces under the full control of the elected civil power and to guarantee the peaceful return of all refugees. It encouraged all parties to resume the negotiations in order to reach an agreement on human rights as rapidly as possible.

44. The Union was greatly concerned about reports of human rights violations in Cuba, including repression of human rights activists and opposition leaders. It called upon Cuba to grant its citizens unrestricted enjoyment of all human rights, including freedom of opinion and assembly, and to cooperate fully with the Special Rapporteur and invite him to visit the country.

45. With regard to the situation in Haiti, the Union deplored the failure of the military authorities to respect the commitments given under the Governor's Island agreement, including the early return of the legitimate president and, the re-establishment of democracy and the rule of law. The Union demanded that the military authorities should allow the members of the international civilian mission which had been evacuated to return to work freely and in security. It condemned the widespread violations of human rights, including the ill-treatment and intimidation of supporters of President Aristide, and urged the military authorities to respect their commitments.

46. While the Union welcomed the continuing decline in the number of human rights violations in Peru, it remained concerned about the overall human rights situation there and called for an independent, impartial and transparent judicial process in order to reinforce public faith in the judicial system.

47. The Union welcomed the constructive political dialogue established in South Africa through the Transitional Executive Council, leading to the holding of democratic elections.

48. The European Union welcomed the movement towards democracy in Togo and hoped that the authorities would take the necessary measures to improve the human rights situation. In particular, it called upon them to prevent members

of the army from committing human rights violations and to take appropriate legal action against perpetrators and urged all Togolese to renounce violence and respect the results of the recent elections.

49. The coup d'état in Burundi had halted the democratic process and caused considerable loss of life and displacement of thousands of people. The Union called upon the country's political forces to respect the Constitution and democratic principles and to promote national reconciliation, and hoped that the recent election of a new president would bring about a return to full democracy.

50. Despite the peace agreement signed in 1993 to end the civil war in Liberia, intermittent fighting and interruption of humanitarian aid were still continuing in some parts of the country. The new commitment of the Liberian parties to begin disarmament and install a transitional Government was encouraging, and it was to be hoped that there would be a corresponding improvement in respect for human rights.

51. Although there had been some improvement in Ethiopia since the establishment of the transitional Government in 1991, much remained to be done in the field of human rights. The successful holding of free and fair elections in June 1994 would mark an important step towards the establishment of democracy in Ethiopia. The European Union encouraged the transitional Government to implement fully its stated commitment to advance democracy and respect for human rights and urged both the Government and the opposition to resume constructive political dialogue.

52. The European Union congratulated Eritrea on its accession to independence and hoped that the Government of Eritrea would make respect for human rights a priority.

53. There had been some improvement in the situation in Somalia in the past year, but the Union remained preoccupied by the continuing violence and condemned the atrocities committed against local communities, aid workers and the troops of the United Nations Operation in Somalia (UNOSOM). It approved the continuation of UNOSOM II and urged all Somalis to work together towards achieving national reconciliation, with the assistance of the international community.

54. With respect to Rwanda, the European Union welcomed the establishment of the two United Nations missions to assist in implementing the Arusha peace agreements. It was concerned, however, over the delay in nominating a transitional Government and called upon the authorities to respect fully the results of the elections and facilitate the convening of a national assembly. It was deeply concerned by the recent incidents of violence, the proliferation of arms and the displacement of large numbers of people, and appealed to all parties to cooperate fully in furthering the peace process.

55. The Union was disturbed by the unending human rights abuses and denial of fundamental freedoms in the Sudan. The Special Rapporteur had concluded that there was a plethora of violations by government agents and officials, as well as abuses by members of the Sudan People's Liberation Army (SPLA) factions in areas controlled by them. The continuing civil war and bombing of the

civilian population had generated a flow of displaced persons within the Sudan and of refugees to neighbouring countries. The Union urged all parties to the war to respect the provisions of the relevant instruments of international humanitarian law, in order to allow the unhindered access of the civilian population to humanitarian relief. The Union commended the Special Rapporteur for his impartial investigation and report. The human rights situation should be kept under the closest international scrutiny and, the Sudan should cooperate fully with the Special Rapporteur.

56. The Union was greatly concerned over the constant deterioration of the situation in Zaire and the stalling of the democratic process. Ethnic hatred had led to violent clashes and massive population displacements. Large-scale violations of human rights, mainly by the security forces, were committed with impunity. He urged all parties in Zaire to reach an agreement on the establishment of a Government of national unity without further delay.

57. In Malawi, the progress made towards the establishment of multi-party democracy, the fact that many political parties were contesting the forthcoming general elections, and the freedom with which the press could now express a variety of political opinions were all to be welcomed.

58. The Union supported the commitment of the Government of Mali to improving the human rights situation under the agreement reached with the parties concerned with the aim of finding a solution to the country's problems.

59. It noted with satisfaction the recent agreement between the new Government of the Niger and the Tuaregs, which appeared to have halted hostilities and stabilized the human rights situation throughout the country.

60. The European Union was deeply concerned over human rights abuses in Equatorial Guinea, including arbitrary detention, torture of prisoners and harassment of political opponents. It regretted that the formal guarantees included in the 1991 Constitution had not been fully implemented and that the elections of November 1993, though contested on a multi-party basis, had not met democratic standards.

61. In Angola, the daily loss of countless lives, the massive population displacements and violations of human rights were extremely disturbing. The Union fully supported the efforts of the Secretary-General and his Special Representative to achieve a negotiated political settlement and welcomed the progress achieved at the Lusaka talks. It urged both parties to cease hostilities immediately, in order to pave the way for a comprehensive peace agreement in Angola.

62. The Union firmly condemned the assassinations which had been occurring in Algeria since 1992 and called upon all parties to break the cycle of violence, to seek peace and democracy and to respect human rights.

63. With regard to the situation in the occupied Arab territories, the European Union had already expressed its profound indignation at the recent bloodshed, in Hebron, which had left many Palestinians dead and wounded. Those events highlighted once again that the peace process should not be undermined or delayed.

64. Regarding the human rights situation in Syria, the European Union was concerned by the information contained in the reports before the Commission, inter alia, regarding torture, arbitrary detention and summary execution. The release of a large number of political prisoners was welcome, but the Syrian Government should make further efforts to comply with international human rights instruments, in particular by facilitating access to detainees, releasing all remaining political prisoners and ensuring that the administration of justice satisfied international standards.

65. In Iraq, the human rights situation was deeply disquieting, as flagrant violations of human rights continued, including summary and arbitrary executions, torture, disappearances, arbitrary arrests and detentions. The Kurds in the north and the population in the south were particular targets. The European Union firmly condemned those abuses and urged the Government of Iraq to respect Security Council resolution 688 (1991) and cooperate fully with the Special Rapporteur by inviting him to visit Iraq, by replying without delay and in a comprehensive manner to his questions, and by allowing human rights monitors into the country. The Union invited the international community to join it in demanding that the Iraqi Government fully respect and ensure all human rights.

66. The European Union was deeply concerned at the continuing reports of serious human rights violations in the Islamic Republic of Iran, including high numbers of executions, torture of prisoners and the inadequacy of the legal safeguards called for by the International Covenant on Civil and Political Rights to which the country was a party. The Union was very concerned at the persecution of some religious minorities in Iran and dismayed that members of the Baha'i and Christian communities had been sentenced to death, apparently for their religious beliefs. The Union condemned Iran's continuing threat to the author Salman Rushdie and those associated with his work. It deeply regretted the Iranian Government's refusal to allow the Special Representative, Mr. Galindo Pohl, to visit Iran and called upon it to cooperate fully with the Commission and the Special Representative.

67. The Union was deeply concerned at the large-scale fighting in Afghanistan, which had led to widespread suffering among the civilian population and a new mass exodus of refugees. It appreciated the valuable work done by humanitarian organizations in Afghanistan to alleviate the suffering. The Union welcomed the efforts of the Secretary-General and his personal representative to restore peace to Afghanistan and urged the parties in Afghanistan to do their utmost to achieve a negotiated political settlement in order to restore peace and human rights there.

68. The widespread violations of human rights and restrictions on fundamental freedoms in China and Tibet were a continuing problem. The European Union had expressed its concern about the measures that threatened the culture, religion and ethnic identity of Tibetans and the increased migration of ethnic Han into Tibet. On the other hand, it welcomed the release of certain dissidents and the willingness of the Chinese authorities to receive foreign human rights delegations. The Union appealed to the Chinese authorities to grant a general amnesty, to release all those who had been detained for peacefully expressing their political and religious beliefs and to guarantee respect for human rights and adherence to international standards.

69. China was now in a position to strengthen its commitment to human rights by acceding to the International Covenants on Human Rights. The Government of China should ensure that new legislation conformed to international human rights standards. The Union reiterated that its concerns were expressed in a constructive spirit and that therefore its appeals could not be construed as interference in China's internal affairs.

70. The persistent and grave violations of human rights in Myanmar fully justified the extension of the mandate of the Special Rapporteur, who should be allowed to carry out his investigations without let or hindrance and meet any person he wished, including the Nobel Prize winner Mrs. Daw Aung San Suu Kyi who, together with all other political prisoners, should be freed at once and allowed to participate in political life. The Government of Myanmar had still not implemented its commitment to take all necessary steps towards democracy, in the light of the results of the 1990 elections. The signing of the agreement between the Myanmar Government and the Office of the United Nations High Commissioner for Refugees (UNHCR) on the repatriation of Rohingya refugees had, however, been a positive development, and it was to be hoped that the agreement would enable refugees to return to their country in safety and dignity.

71. With regard to the human rights situation in East Timor, since the Commission's previous session the Indonesian Government had taken a number of encouraging steps, such as inviting the personal envoy and representative of the Secretary-General and the Special Rapporteur on extrajudicial, summary or arbitrary executions. The European Union called upon the Indonesian authorities to comply fully with all previous Commission decisions and hoped that competent NGOs, as well as the international media, would be granted better access. The Union noted that some members of the security forces responsible for the Dili incident in November 1991 had been sentenced, but felt that all those responsible should be duly prosecuted, tried and punished. The Union fully endorsed the Secretary-General's efforts to find a just, comprehensive and internationally acceptable settlement of the question of East Timor which fully respected the legitimate interests and aspirations of the East Timorese, and gave its continued support to the dialogue between Portugal and Indonesia, under the aegis of the United Nations Secretary-General.

72. The European Union remained concerned about the human rights situation in the Chittagong Hill Tracts in Bangladesh and hoped that the political dialogue between the authorities of Bangladesh and the political representatives of the Shanti Bahini would lead to a peaceful and lasting political solution acceptable to all the parties involved. The Bangladesh-India joint statement on repatriation of all tribal refugees from Tripura, India, to the Chittagong Hill Tracts was a welcome development, and the Union would follow its implementation closely.

73. The European Union deplored the continuing violence and human rights abuses in Kashmir. Although terrorist violence should be firmly resisted, the security forces in Kashmir should show full respect for human rights and the rule of law in doing so. In addition to the steps already taken, such as extending an invitation to the International Committee of the Red Cross (ICRC), the Indian Government should allow humanitarian and human rights

organizations unimpeded access to the region and to the population. The establishment of a National Human Rights Commission in India in 1993 was also encouraging. The Union urged the Governments of India and Pakistan to persevere with the high-level consultations which they had initiated. While the steps already taken were welcome, the Government of Pakistan should adopt effective measures to prevent violent infiltrations from territory under its control.

74. The European Union was concerned over continuing reports of human rights abuses in Sri Lanka, and while it condemned the use of violence by the Liberation Tigers of Tamil Eelam, it urged the Sri Lankan Government once again to put an end to such abuses. At the previous session of the Commission, the Government had undertaken to carry out a comprehensive human rights programme and, in the past year, had announced various measures to curb human rights abuses and to invite international organizations to visit the country, but disturbing reports had been received of arbitrary detentions incompatible with Sri Lankan law. The Union welcomed Sri Lanka's acceptance of the recommendations made by the United Nations Working Group on Enforced or Involuntary Disappearances, but more had to be done before its undertakings to the Working Group and to the Commission were fully implemented.

75. The Union was deeply disturbed by the bleak human rights situation in the Democratic People's Republic of Korea. The Government continued to deny its citizens the human rights and fundamental freedoms set out in the Universal Declaration of Human Rights and the International Covenants to which it was a party. The Union repeated its appeal to the Government to comply with international human rights standards.

76. The European Union was pleased at the increasing openness of Viet Nam, and encouraged the Government to take further steps to promote and protect human rights, particularly in the area of civil and political liberties. The Union also hoped that all persons who had been imprisoned because of their political opinions or religious beliefs would be released, as a clear demonstration of the Government's commitment to the protection of human rights.

77. Mr. ALKADHI (Iraq), speaking in exercise of the right of reply, said that, in an earlier statement, Amnesty International had referred to the human rights situation in Iraq. However, since that organization was an instrument in the hands of the great Powers, it was not surprising that it had failed to provide any basis for the information it had submitted. It had singled out only certain Islamic States and had asked that the resources requested by the Special Rapporteur be made available without asking for any resources to buy drugs and food to save the many Iraqi children and sick people at risk.

78. The Arab Lawyers' Union had requested the lifting of the economic embargo against Iraq. However, it had founded its request on the report of the Special Rapporteur although it was fully aware of the Special Rapporteur's hostile position towards Iraq and of the fact that he had based his report on information provided by parties antagonistic to Iraq.

The meeting rose at midnight.

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COMMISSION ON HUMAN RIGHTS

Fiftieth session

SUMMARY RECORD OF THE 52nd MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 3 March 1994, at 10 a.m.

Chairman: Mr. van WULFFTEN PALTHE (Netherlands)

CONTENTS

Statement by the United Nations High Commissioner for Human Rights

Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:

(a) Question of human rights in Cyprus (continued)

Organization of the work of the session (continued)

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GE.94-12182 (E)

The meeting was called to order at 10.25 a.m.

STATEMENT BY THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

1. Mr. AYALA LASSO (United Nations High Commissioner for Human Rights) said that he had great respect and admiration for the Commission on Human Rights: respect, because the Commission had, since its establishment in 1946, been striving to make one of the most important objectives of the United Nations a reality and admiration because, in its 48 years of existence, the Commission had played an exemplary role. The legal framework of conventions and declarations it had managed to create, enshrining standards of conduct in the area of respect for human rights, was remarkable, as were its vigilance and tireless work through working groups, special rapporteurs and its Sub-Commission, and its capacity to react to emergency situations.

2. Human rights were firmly established as one of the indisputable priorities of the community of nations. Their globalization and internationalization were also, undoubtedly, one of the substantive results of the Commission's efforts. Through its work, many injustices had been corrected, many deviations in human conduct had been rectified and many hopes had flourished. For that reason, the Commission deserved the gratitude of all mankind. For his own part, paying it the tribute it deserved was a duty which he accomplished with the greatest pleasure. He also wished to pay a special tribute to the Centre for Human Rights, so effectively directed by Mr. Fall.

3. As rightly noted by the Secretary-General, human rights permeated all United Nations activities, of which they were at once the foundation and the supreme goal. There was no doubt that human rights were becoming increasingly intertwined with other United Nations activities, the forthcoming World Conference on Women and the World Summit for Social Development being only two examples.

4. Largely due to the work of the Commission, the promotion and protection of human rights had become increasingly universal. The World Conference on Human Rights had been the most striking manifestation of the maturing of the human conscience and had triggered a determination to promote and protect all human rights which could justifiably be termed the "spirit of Vienna".

5. Inspired by that same spirit, the United Nations General Assembly had agreed, in December 1993, to establish the post of High Commissioner for Human Rights and, soon afterwards, had accorded to himself the high honour of exercising that function. In establishing that post by consensus, the Member States had endowed it with unprecedented moral and political authority, which could be gauged by the degree of acceptance it had won among non-governmental organizations and by the voices of the ordinary men, women and children who had expressed to him their hope for a better future.

6. The High Commissioner's mandate was, in one sense, extremely broad, but it also had clear limits. His moral and political authority, essential for the effective performance of his functions, would be determined by the extent to which he remained within the limits of his mandate. As the first incumbent of the post, he would strictly respect those limits and faithfully follow any political guidelines that might be given him by the General Assembly, the

Economic and Social Council and the Commission on Human Rights. He would also be acting under the direction and authority of the Secretary-General, bearing in mind, at all times, the provisions of the Charter of the United Nations and of the applicable instruments, particularly the Universal Declaration of Human Rights. He would be impartial and objective, and his actions would not be motivated by undesirable selectivity or improper political considerations.

7. The World Conference on Human Rights had affirmed the principle of the universality of human rights and their indivisibility, interdependence and interrelatedness; it had further affirmed that the international community must treat human rights globally, in a fair and equal manner, and with the same emphasis on each of them.

8. The duty of States, regardless of their political, economic or cultural systems, to promote and protect all human rights and fundamental freedoms had also been clearly established. It had, indeed, been affirmed that national and regional particularities and historical, cultural and religious backgrounds must be adequately borne in mind and he was convinced that the harmonious coordination of respect for human rights and regard for national and regional particularities could result, through the appropriate and judicious choice of means and procedures, in a constant improvement in standards and levels of acceptance and respect for all human rights and fundamental freedoms. There was a common heritage of mankind in that area which was already clearly identifiable and towards which the aspirations of all were directed, a heritage which must be enriched by the different cultures, traditions and histories and not limited in its universal scope. He would endeavour to harmonize those concepts in an appropriate manner and transform them into practical realities satisfactory to all.

9. At the World Conference, it had also been decided that the same treatment and emphasis should be given to civil, cultural, economic, political and social rights, and particular interest had been expressed in the right to development. He would proceed strictly in accordance with that decision. The Commission had been working in that area for many years. Some principles relating to the right to development had been agreed upon, but the significance and extent of that right had still to be explored. He would seek to strengthen in practical terms the interdependence between democracy, development and human rights.

10. The growing awareness of the need to base international security on the triad of democracy, development and human rights had been reflected in greater participation by international institutions in programmes to promote fundamental rights. He had been entrusted with the immense task of coordinating those activities within the United Nations systems and, in that connection, he wished to mention the important work being carried out by UNESCO, ILO, WHO, FAO, UNDP, UNICEF, UNHCR and, of course, the United Nations Secretariat. Coordination would be directed towards ensuring the common objective, and that would have a multiplying effect in terms of benefits and would avoid unnecessary duplication. He would draw upon the experience of the United Nations bodies and try to help them to be as effective as possible in the area of human rights.

11. To fulfil his mandate, he would need the cooperation and support of all concerned. To that end, he would maintain a close dialogue with all Governments, with the organizations of the United Nations system, and other intergovernmental organizations, with national human rights organizations, with non-governmental organizations, with the mass media and with all worthy men and women working for the cause of human rights. His attitude would be one of constant vigilance, openness and initiative.

12. He intended to invite all Governments to open their doors to him in a friendly manner so that, together, they could consider in a frank and unbiased way all human rights issues. In such dialogues, he would not fail to demonstrate his belief in the advantages for all of universal adherence to the international human rights instruments.

13. He would attach particular importance to the issues which had been emphasized at the World Conference, without impairing the balanced consideration that they all merited. He would endeavour to promote the practical exercise of the rights of women and children. Similarly, he would seek to step up joint action on behalf of indigenous peoples to ensure that their rights were adequately recognized and respected, in which connection he welcomed the proclamation of the International Decade of the World's Indigenous Peoples. Arbitrary detention and torture would be among his immediate concerns. He would endeavour to increase respect for the right to express and communicate views. He would also do everything possible to heighten awareness of the need to combat racial discrimination, intolerance and xenophobia, particularly as directed against ethnic minorities and migrant workers.

14. In accordance with his mandate, he would assume general supervision of the Centre for Human Rights and work in close cooperation with its Director to ensure its effectiveness. The Centre was the Organization's main instrument for the promotion and protection of human rights. He would endeavour to broaden the advisory and technical services as far as possible in order to satisfy, in a timely manner, the requirements of those requesting them. The political will on the part of all States - particularly those that were able to contribute - should take the form of a growing and sustained financial support, which was essential if the Centre was to cope with the immense task facing it. He was encouraged by the favourable attitude he had encountered in many Member States.

15. It was necessary to take special steps to meet the needs of States concerned to strengthen institutions that were basic to the respect for human rights. Support for establishing national infrastructures for the promotion and protection of human rights, strengthening legal systems to ensure effective administration of justice, and training government officials and police personnel was already being given by the Centre and must be expanded and reinforced.

16. It was very important to enhance the effectiveness of the human rights treaty bodies and he would be cooperating closely with the experts involved. He would also bear in mind the suggestions put forward by the Commission

with regard to monitoring the situation of human rights and cooperating with rapporteurs, and would look into the viability of an "early warning" mechanism for protecting human rights.

17. Non-governmental organizations had worked resolutely to contribute to the cause of human rights. He was anxious for their cooperation so that efforts could be combined and concrete results achieved. He thus called upon all NGOs to maintain an attitude that would ensure ongoing coordination and cooperation.

18. The role of the communication media in promoting and protecting human rights was both important and heavy with responsibility. In his relations with them, he would emphasize the need to inform and guide, while at the same time promoting a process of collective improvement.

19. Human rights information and education were the best ways of making everyone a direct participant in the collective process of promoting and protecting human rights. He proposed to give the greatest attention to the human rights education decade, an initiative which, he hoped, could be completed at the proper time by the General Assembly.

20. The Commission would be one of his constant guides. He would seek to ensure the closest cooperation with it and with all the other United Nations institutions active in the field of human rights in order to guarantee a coherent, coordinated and complementary approach. He would collaborate with the Commission to ensure that its work was constantly strengthened and had noted the ideas and suggestions put forward in that regard.

21. At the same time, his profound moral convictions would also guide him in his work. Faith in the overriding importance of the human being and his or her aspirations for betterment together with the hope that all human rights would be unconditionally respected always and everywhere, would be his constant guide.

22. On the eve of the twenty-first century, there was a worldwide movement in favour of human rights. Every State bore a basic responsibility to contribute to that noble cause, a task that history would judge. He thus called upon all States to renew their solemn commitment to work tirelessly towards the promotion and protection of human rights.

23. He had been told that his was an impossible mission. The same pessimism had characterized the beginning of the World Conference on Human Rights, which had nevertheless been a success. He also recalled the scepticism prior to the adoption of the resolution establishing his post. It was clear that, with a spirit of cooperation and compromise, even seemingly insurmountable barriers could be overcome.

24. He appealed to all concerned to maintain that spirit and provide him with his most valuable resource: the sincere desire of States to enhance the dignity of human beings by ensuring the promotion and protection of their rights.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(agenda item 12) (continued) (E/CN.4/1994/3-6, 7 and Corr.1 and Add.1-2, 8, 46-61, 97, 102-104, 110, 115 and 119; A/48/526 and Add.1, 561, 562, 578, 584, 600 and Add.1 and 601; E/CN.4/1994/NGO/7, 9, 12-15, 22-24, 26, 28, 29, 37, 40, and 42-44)

Statements in exercise of the right of reply

25. Mr. MALAGA (Peru) said that certain non-governmental organizations, basing their conclusions on inaccurate information, had misrepresented the human rights situation in his country and had failed to acknowledge the progress that had been made there.

26. In its most recent report (E/CN.4/1994/26), the Working Group on Enforced or Involuntary Disappearances had noted 10 cases of disappearances in Peru. Of those cases, three had been clarified. In addition, as the report mentioned, 97 pending cases had been clarified on the basis of information provided by the Peruvian Government.

27. An assertion had been made at the Commission's 50th meeting that the thesis that Peru had made substantial improvements in its human rights record was unacceptable and untrue. In fact, that thesis had been publicly supported by the Coordinadora Nacional de Derechos Humanos of Peru - an organization that grouped more than 36 Peruvian NGOs, by competent regional and international organizations, and by experts who had recently visited Peru. In fact, it was generally recognized that there had been a significant reduction in the number of human rights violations.

28. The international community was aware of the climate of violence imposed on Peru by terrorists and the inability of the judiciary, until quite recently, to enforce the appropriate penalties for their brutal crimes. To respond to those exceptional circumstances, his Government had enacted legislation to combat terrorism and prevent the collapse of the country. As a result of the gradual return of public order and the dismantling of the terrorist groups, his Government had been modifying the anti-terrorist legislation so as to advance the process of pacification.

29. Mr. OMAR (Observer for Ethiopia) said that he wished to respond to the statement made by the representative of Anti-Slavery International. The individual who had actually made that statement was the head of a political organization, whose purpose was to oppose the Government and the democratic transition of his country. Masquerading as a human rights advocate, he had used the consultative status of Anti-Slavery International to address the Commission in an endeavour to advance his own political interests.

30. After the ravages of a civil war, gross human rights violations and social displacements, Ethiopia had begun the process of restoring peace, stability and democracy. The transitional-period charter, the supreme law

of the country, upheld the right of peoples to self-determination and had incorporated the Universal Declaration of Human Rights, emphasizing in particular the freedoms of expression, movement, belief, development of individual languages and cultures, and the principle of judicial independence.

31. Since its establishment, the transitional Government of Ethiopia had taken various legal and administrative steps to ensure full respect for individual and collective rights. It had ratified the International Covenants on Human Rights and the Convention against Torture, had issued proclamations for the establishment of an independent judiciary, and had introduced the legal remedy of habeas corpus. New police officers were being trained to respect the basic rights of civilians. Those and other measures, which conformed to internationally recognized standards, had helped to protect individuals against arbitrary detention, involuntary disappearances, summary executions and other abuses.

32. Contrary to the allegations against his country, and as confirmed by many international observers, an unprecedented freedom of expression prevailed in Ethiopia. The new press law had enabled numerous publications to carry out their work without censorship. That freedom was not without limits however, and a few editors had gone beyond those limits and had published materials that were defamatory, pornographic or an incitement to conflict. They had been brought to justice.

33. The Ethiopian people was enthusiastically engaged in the debate on the draft constitution, the adoption of which would lead to the establishment of a popularly elected Government ... .

34. The CHAIRMAN reminded participants that the Commission had set time-limits for statements in exercise of the right of reply, which must also be restricted to refuting the allegations made.

35. Mr. MORA GODOY (Cuba) said that the representative of a non-governmental organization alleged that the number of political prisoners in Cuba had increased. Clearly he had not read the document made available by the delegation of Cuba the previous day, based on information from the United States, which stated that some of the so-called political prisoners had been reintegrated into Cuban society while most of them were attracted to the United States way of life. Unfortunately, the latter had been unable to fulfil their dream of going to the United States owing to a lack of visas.

36. With regard to the statement by another non-governmental organization to the effect that most political prisoners in Cuba were young, he said that more than 60 per cent of his country's population was under 35 years of age. That demonstrated above all that the Cuban revolution was young and strong, as were the positions it adopted. With respect to the pastoral letter published by the Cuban bishops, his delegation respected the clergy and its hierarchy but above all it respected believers who loved their people rather than those who adopted a Cain-like attitude.

37. The representatives of three non-governmental organizations had referred to the need to lift the blockade and to establish a dialogue with the Government of Cuba. One of them had expressed the hope that the dialogue

that the Government had begun with representatives of the Cuban community would be extended to include other authentic and representative Cuban groups. He was able to assure those organizations that his Government's dialogue would be directed towards improving its relationship with the genuine Cuban community that was primarily interested in the independence and survival of the country.

38. Mr. CANKOREL (Observer for Turkey), said that he wished to refer to the statement made at the previous meeting by the representative of the European Union. That representative had asserted that martial law was in force in large areas of Turkey, which was not the case. There was, in fact, a state of emergency in a limited number of provinces as a result of acts of violence and terrorism committed by an aggressive terrorist organization. His delegation strongly objected also to the allegation that torture was systematically practised in Turkey. The Committee against Torture had stated in its report that only a small number of cases of torture had been established with absolute certainty.

39. He had been most surprised by the reference to constraints on the right to freedom of expression in his country, where the private and public mass media enjoyed almost limitless freedom. Turkey was an exceptional country in which a terrorist organization could exercise its right to freedom of expression in its well-known publications in the national language and not just in languages spoken solely by small ethnic groups. The laws were certainly enforced if and when those publications contained incitement to violence. He took the opportunity of expressing his Government's satisfaction at the measures adopted by some of the member countries of the European Union to outlaw the activities of the terrorist PKK organization. It urged the other members of the Union to do likewise.

40. As for the question of Cyprus, it was regrettable that the representatives of the Turkish Cypriot people were not allowed to take part in the Commission's deliberations. A founding co-partner of the Cypriot State, the Turkish Cypriot community had been subjected by the other partner to every conceivable form of aggression, including mass murder, enforced disappearances and a total war of attrition intended to force the Turkish Cypriots to submit to Greek Cypriot domination. Having resisted that oppression, the Turkish Cypriots were determined to accept no further impositions but only a negotiated settlement, for which ... .

41. The CHAIRMAN said that the speaker had exceeded the time allotted for the right of reply.

42. Mr. SAHLOUL (Sudan), said that the statement made to the Commission by Mr. Abu Eissa on behalf of the Arab Lawyers Union (ALU) had repeated allegations frequently levelled against the Sudan by circles hostile to the people and Government of the country. To be worthy of its title, the Arab Lawyers Union should monitor violations of human rights in its region. Instead, it had allowed itself to be drawn into internal Sudanese affairs by an ambitious ex-politician who had set his sights on summits he would never achieve.

43. The fact that ALU concentrated its venom on the Sudan was a contravention of its mandate and the manner in which it addressed the Commission with regard to the Sudan was an abuse of its observer status. A few days previously, a Western newspaper had referred to the state of affairs in another country in the region. It had said that "summary hearings are followed by mass executions" and mentioned "the widespread police raids, torture of suspects, military trials and executions and refusal to deal with any of the underlying social problems". However, the Secretary-General of ALU, turned a blind eye to what happened elsewhere in the region. The representative of ALU had, indeed, referred briefly under agenda item 10 to the ... .

44. The CHAIRMAN said that the speaker was out of order, since the Commission was considering item 12 of its agenda.

45. Mr. NGOMO MBENGONO (Observer for Equatorial Guinea), said that he wished to refer to fallacious statements made at the previous meeting by the representative of the Social Democracy Convergence Party of Equatorial Guinea. That representative had frequently advocated the use of force against the people and Government of his country with a view to promoting human rights. While his delegation attached great importance to non-governmental organizations and was aware of the essential role they played, it could not accept an NGO that advocated violence and aggression against a country's Government and people.

46. In that connection, he drew attention to the multi-party elections that had been held in his country and to the fact that they had taken place in peaceful and orderly conditions. It should also be noted that the country was moving towards a pluralist regime where all its citizens would be able to enjoy human rights and fundamental freedoms.

47. Mr. HOHENFELLNER (Austria) said that, in the course of the years, the European Court of Human Rights had repeatedly expressed its views concerning violations of the European Convention on Human Rights by agents of the Austrian authorities. His Government always gave the necessary follow-up to such judgements. That was also true with respect to recommendations of the Human Rights Committee and to cases of individual communications under the Optional Protocol to the International Covenant on Civil and Political Rights or under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In other cases, where violations were pointed out by non-governmental organizations, his Government engaged in a dialogue with those bodies. Thus, when it spoke of the "legitimate concern" of the international community with questions of human rights, it did not do so lightly.

48. The agenda item under consideration provided a particular opportunity of considering the situation of human rights in various countries of the world. The Commission received from its growing number of rapporteurs, experts and working groups not only a considerable amount of information about the human rights situation in the world but also some important conclusions and recommendations. Its primary concern was to address situations where national infrastructures were clearly insufficient to provide for the effective enjoyment of human rights or where there was inadequate political will towards fulfilling international human rights obligations.

49. In that regard, the situation in Iraq continued to give rise to the gravest concern particularly the repression of the Kurds in the north and the Shia population of the southern marshes. The Government of Iraq was deliberately targeting non-combatant civilians in its efforts to secure control over the areas in question. Furthermore, the number of disappearances were still extremely high. It was thus highly regrettable that the Special Rapporteur on the situation of human rights in Iraq was still being prevented from carrying out his mandate.

50. Serious human rights violations continued in Iran, notably long-term political imprisonment after summary trials, the widespread use of torture and the death penalty. The right of freedom of belief was systematically violated. The Iranian Government continued to deny the Commission's Special Representative access to the country and, he appealed once again for the implementation of the Commission's recommendations in order to ensure such fundamental human rights as those to life and freedom of expression. In that regard, the reaffirmation of the death threat against Salman Rushdie was a gross contradiction of the right to freedom of expression.

51. With respect to the situation in Myanmar, his Government was concerned not only at the continuing disappearances, torture and arbitrary detention of journalists but also at the continued detention of the Nobel Peace Prize Laureate Aung San Suu Kyi.

52. With regard to China, his delegation was following with great attention the growing signs that the Government wished to undertake a dialogue both bilaterally and with the relevant United Nations mechanisms. Such a dialogue should help to bring about improvements in the human rights situation in that country, particularly with respect to the thousands of political prisoners and the inadequate judicial system.

53. Such a dialogue was missing between the Special Rapporteur on the situation of human rights in Cuba and the Cuban authorities and his delegation urged the Government of Cuba to cooperate fully with the Special Rapporteur.

54. In Algeria, serious human rights violations had been reported throughout 1993. That was especially true with regard to the right of freedom of expression. A number of journalists and authors had either been murdered or intimidated by extremists for their defence of that right.

55. With regard to situations where violations of human rights formed part of a larger problem, he said that the scale of atrocities and human rights violations in the territory of the former Yugoslavia, especially in Bosnia and Herzegovina surpassed all description. Notwithstanding the recent cease-fire agreement, his delegation was particularly concerned at the continued fighting and ethnic cleansing. His delegation appreciated the valuable work of the Special Rapporteur, who continued to provide a clear and accurate picture of the catastrophe, and urged him to continue with his task.

56. The international community must continue to deal with the escalating human rights violations committed by the authorities of the so-called "Federal Republic of Yugoslavia" and the Serb paramilitary and self-defence forces in the Kosovo and Sandjak regions.

57. His delegation deplored the deterioration in the situation of the civilian population in the Sudan. Unfortunately, the Special Rapporteur on the situation of human rights in the Sudan had not been able to carry out his mandate with the necessary full support of the Government of that country. While that Government was entitled to express its divergent views, reports by special rapporteurs were evaluated by the international community and their independence was essential. Threats against a special rapporteur were quite unacceptable.

58. His Government deeply deplored the renewed fighting in Afghanistan, which had made it impossible for the Special Rapporteur to visit the country. Nevertheless, reports from Afghanistan told of severe suffering of the civilian population, widespread human rights abuses and renewed flows of refugees and internally displaced persons.

59. Internal and external conflicts also characterized the situation in many areas and States in the territory of the former Soviet Union, frequently leading to a range of human rights violations. In that regard, he referred to arbitrary killings, large-scale destruction and mass exoduses in Armenia, Azerbaijan, Tajikistan and Georgia. There were also reports of human rights violations in Turkmenistan and Uzbekistan.

60. A number of African countries were still involved in conflicts that gave rise to serious human rights violations. In Angola, UNITA's rejection of the results of the United Nations supervised elections and its resumption of the war must be regarded as a total negation of human rights and fundamental freedoms. The coup d'état of October 1993 in Burundi had been a serious setback to what had appeared to be promising reforms. Serious problems persisted in Rwanda, Zaire, Equatorial Guinea, Liberia and Malawi. The situation in Somalia had highlighted the relationship between human rights and peace-keeping. Those two United Nations activities should be brought closer together.

61. His delegation was concerned at widespread human rights violations in Turkey including the use of torture and the arrest and disappearances of political activists. While recognizing the difficult situation the Government faced in south-east Turkey and condemning all acts of violence and terrorism, it reminded the Government that terrorism must be combated respecting the rule of law and the international standards of human rights. The division of Cyprus was itself a human rights violation.

62. Recent developments in Guatemala had given rise to hopes that the human rights situation there would improve, but human rights violations continued to occur and their perpetrators remained unpunished. Despite significant advances towards respect for human rights, democratization and peace in El Salvador, there were distressing reports of killings by death squads and of insufficient steps to bring the perpetrators to justice.

63. Though encouraged by the efforts being made in South Africa to eradicate apartheid and all forms of racial discrimination, his delegation was none the less concerned at the current level of violence there. It had already delivered comprehensive statements on that subject and on the situation in

the Israeli occupied territories. The shocking massacre at Hebron must not endanger the Middle East peace process. His delegation fully endorsed the statement made by the Chairman on behalf of the Commission in that regard.

64. His delegation had high hopes for the new Government of Cambodia. It supported the current efforts to ensure an independent judiciary and a properly trained and regulated police force. The new Phnom Penh Office of the Centre for Human Rights must be provided with the necessary human and financial resources. His delegation also noted the comprehensive reforms in Albania, Paraguay and Romania, particularly with regard to the legal system and security services, and that the Centre for Human Rights was providing the Governments concerned with valuable assistance.

65. The Government of India was cooperating with the International Committee of the Red Cross (ICRC) and Amnesty International in preparing for an international presence in the Jammu and Kashmir and Punjab regions. That was a welcome development which would provide a clear indication of future action to be taken. His delegation also wished to reiterate its appreciation to the Government of Sri Lanka for allowing the representative of the Secretary-General on internally displaced persons and the Special Rapporteur for extrajudicial, summary or arbitrary executions to visit the country.

66. In all the situations he had mentioned, there was a need for a more comprehensive and integrated approach to the international protection of human rights, as advocated by the Vienna Declaration and Programme of Action. That could be achieved through closer cooperation by Governments with the international human rights system, particularly its special mechanisms, and among those mechanisms themselves. The capacity of the international human rights system to prevent violations must also be strengthened through dialogue and cooperation; action-oriented measures; and improved integration into programmes of advisory services and technical assistance. The new High Commissioner for Human Rights, who had just made a very impressive statement, would certainly find effective answers to those challenges.

67. Mr. AKHUND (Pakistan) said that his Government was strongly committed to the protection and promotion of human rights, particularly those of vulnerable groups such as women and children. Its task was at times impeded by the slowness of the democratic process and by the poverty and social backwardness of its people. Awareness-building and the achievement of consistency with international human rights law were major components of the Government's human rights programme.

68. The ethnic and nationalist conflicts in the territories of the former Soviet Union and the former Yugoslavia, and conflicts in areas where the right to self-determination was suppressed were shocking examples of human rights violations caused by armed conflict. The presence of United Nations peace-keepers in Bosnia and Herzegovina had at times served as an excuse for inaction against the aggressors. The Commission must help towards a new consensus on the establishment of peace and justice there. The siege of Sarajevo and other Bosnian towns must be lifted; and the crimes committed, particularly ethnic cleansing, must not go unpunished.

69. Despite the absence of television cameras in Indian-occupied Kashmir the world had learned of the serious human rights violations taking place there. The Kashmiri struggle for self-determination had been met by ruthless repression, thousands of Kashmiris had lost their lives and thousands more were in Indian jails. Women had been raped; whole villages had been torched; and summary executions, torture, deaths in custody and indiscriminate attacks on peaceful demonstrators were routine. International human rights organizations, including Amnesty International and Asia Watch, journalists, jurists and diplomats had reported on the situation.

70. On the eve of bilateral talks held at Islamabad in January 1994, India had launched a major military operation in Sopore, killing 50 Kashmiris and injuring over 200. Two weeks later, one third of Sopore had been set on fire by Indian troops, leaving thousands of Kashmiris homeless in the dead of winter. Recently, 22 people had been killed in a market-place.

71. The horrible abuses taking place in Kashmir were not aberrations by security forces but rather were consistent with India's policy of State terrorism, based on Draconian laws that gave the security forces licence to kill, arrest without warrants, interrogate and detain persons for indefinite periods. Under the Terrorist and Disruptive Activities Act, the property of an accused person could be attached, even before trial; a person who provided financial assistance to a person "suspected" of terrorist acts could be jailed; trials in special courts were held in camera; and security forces were granted complete immunity from prosecution. Such absolute and arbitrary powers were not justified in any circumstances and were certainly not compatible with the rule of law.

72. The world community must not remain silent. It was faced with overwhelming evidence from independent sources. The Indian Government had mounted a massive campaign of disinformation and dissuasion, hoping the Commission would not take action. It accused the Government of Pakistan of supporting a "religion-based campaign of terror" - an attempt to play on the anti-fundamentalist and anti-Muslim phobia of a number of Western countries. The Indian Government had not produced a shred of evidence to substantiate its accusations. On the contrary, it had refused to allow any impartial inquiry into its own allegations.

73. Four European Ambassadors had recently been taken on a day trip to Srinagar but they had been unable to visit the sites of recent massacres, including Bijbehara, Sopore and Kupwara. They had not seen any of the 20,000 Kashmiri prisoners held in Indian jails and detention centres and had not met the leaders of the All Parties Hurriyat Conference, who were imprisoned in New Delhi. Nor had they visited the notorious interrogation centres.

74. The International Committee of the Red Cross (ICRC) had received permission to visit Kashmir after a three-year delay, but it would not be allowed to protect imprisoned Kashmiri freedom fighters under the Geneva Convention relative to the Treatment of Prisoners of War (Third Geneva Convention). Similarly, Amnesty International would be able to visit Jammu and Kashmir only on a case-by-case basis and would have to convince India of its "fairness" before it could even do that. All the Indian gestures towards

"openness and transparency" had been made in the past two weeks and solely as a result of comments made in the Commission. Clearly, the Indian Government hoped its gestures would forestall any action by the Commission.

75. Peoples struggling for their legitimate right to self-determination were not terrorists. India's accusations that the Kashmiris were resorting to terrorism were thus baseless as were the allegations that Pakistan provided military assistance to the Kashmiris. The Kashmiri struggle was indigenous; no outside power could persuade people to risk their lives for a cause in which they did not believe.

76. As a first step towards the restoration of peace, a United Nations fact-finding mission should be sent to the territory of Jammu and Kashmir. It must have completely free access to the area in order to conduct a thorough investigation into the human rights situation there. He hoped that the Commission would endorse that proposal. If the Commission took no action to help the Kashmiri people, India would feel free to pursue its campaign of repression even more ruthlessly.

77. Mr. SANCHEZ ARNAU (Observer for Argentina) said that his country enjoyed close and friendly ties with Cyprus. As a contributor to the United Nations Force in Cyprus (UNFICYP), the Government of Argentina was supporting efforts to find a just and lasting settlement between the parties. It thus regretted the disappointing results of the joint meetings.

78. The Secretary-General's report (E/CN.4/1994/46) gave a good account of the situation in Cyprus, especially concerning respect for the international human rights instruments and the implementation of United Nations resolutions on Cyprus, in particular Security Council resolution 789 (1992), which outlined confidence-building measures to be taken with a view to achieving a settlement based on international law.

79. The Commission resolutions calling for the return of the refugees in secure conditions; inquiries into cases of missing persons; and the restoration of human rights in Cyprus had not produced encouraging results. His Government's position was firm in that regard. It continued to support the Secretary-General's mission of good offices. It also supported the Security Council decision to conduct a thorough review of the situation on the basis of the Secretary-General's report and, if necessary, to consider new alternatives for promoting the implementation of its resolutions on Cyprus. It also welcomed with satisfaction the decision of the European Union to appoint an observer to the Cyprus peace talks.

80. His delegation hoped that the discussions to be pursued at Nicosia with the Secretary-General's representatives, based on the basis of the Set of Ideas, would provide the necessary impetus for a meaningful discussion of the Cyprus issue. In that connection, it urged that certain positions should be abandoned in order to achieve the hoped-for agreement.

81. Mr. ALDOURI (Observer for Iraq) said that, in a world characterized by the unipolar hegemony of one State, the question of human rights was being used to further private interests and had become a bargaining chip used by a well-known international monopoly. In that context, human rights were not

associated with peace but rather with threats, blackmail and discrimination against States. The international community had a humanitarian obligation to help nations overcome their problems, including their human rights problems.

82. In the case of Iraq, however, false allegations had been made in order to destroy its national unity and, most regrettably, the Special Rapporteur on the situation of human rights in Iraq had deliberately propagated those allegations. He was clearly neither neutral nor objective and his sole aim was to smear the reputation of Iraq. Whenever the Security Council was about to review the sanctions imposed on Iraq or international sentiment seemed to be more favourable, he injected a note of hostility.

83. His allegations concerning the "marsh area" (E/CN.4/1994/58, paras. 75 and 76) lacked credibility. The fact was that the Iraqi authorities had had to take steps to subdue criminals, deserters and infiltrators from Iran into the marshland, where they committed crimes and jeopardized the safety of Iraqi people. The Special Rapporteur's accusation that Iraq had undertaken agricultural and irrigational projects in order to dry up the marsh area (paras. 126-129) showed his disrespect for Iraq's right to development and for the economic rights of its people. In fact, the projects in question were based on studies and plans drawn up by nationals of various Western countries as far back as 1954.

84. The Government of Iraq was also unfairly blamed for the situation in the northern part of the country, an area which had slipped out of the central authorities' control. Iraqis living in that area were the victims of fighting between armed gangs which enjoyed the protection of certain countries.

85. He wondered, incidentally, why attention was focused on the treatment of Iraqi Kurds and nothing at all was said about the Turkish Kurds being killed in full view of United States and Western European forces. One need only compare the situation of Kurds in neighbouring countries in order to appreciate the generosity of the Iraqi Government towards its Kurdish population.

86. The Special Rapporteur's continuous call for the deployment of human rights monitors in Iraq (para. 190 (u)) set a dangerous precedent of interfering in States' international affairs and threatening their territorial integrity. Third world States, in particular, should protest.

87. It was astonishing that the Special Rapporteur should assert that the human rights repercussions of the economic blockade did not fall within his mandate while, on the other hand, he held Iraq responsible for the disruption of the electricity supply in Dohouk, never mentioning that the gangs he was defending had dismantled electricity pylons and that Iraq had been denied its right to import spare parts. The report which, as usual, had been issued late, referred to outdated legislation and contained unconfirmed information provided by hostile parties having ties with Iraq's neighbours or with certain major Powers that were known to have their own political agendas. The Special Rapporteur asserted that Iraq had not replied to his queries, even though a note addressed by the permanent Mission of Iraq to the Centre for Human Rights

in February 1993 had just been circulated, the pretext for the delay being that it had been impossible for the Centre to translate and distribute it earlier.

88. The Special Rapporteur referred to the so-called immunity from prosecution granted to members of the Baath Party and security forces in their pursuit of thieves and criminals (para. 25). Since thefts and burglaries had increased as a result of the situation brought on by the blockade, local populations had voluntarily formed self-protection groups. The State had issued a decree absolving them of criminal liability but that exemption was not unlimited. It was subject to legal procedures that would guard against its exploitation for personal objectives. In fact, the Special Rapporteur was placing a great deal of emphasis on what had amounted to a few isolated incidents.

89. The inaccuracy of the Special Rapporteur's investigation and his lack of neutrality were further illustrated by the fact that he had seen fit to abandon the allegations made in his previous reports concerning the "indigenous population" of the marshlands and the use of chemical weapons. As for the Special Rapporteur's contention that the documents in his possession could not possibly have been forged because the cost would have been prohibitive, it should be remembered that tens of billions of dollars had been spent on destroying Iraq, financing gangs to undermine its national unity and spreading propaganda to distort its image, so there was no reason why huge sums should not have been spent on forging documents also.

90. Reminiscent of the scenario concerning throwing babies out of incubators in Kuwait, the latest lie related to the decapitation of a mentally retarded child in northern Iraq in 1988 and was currently being used to stir up anti-Iraq sentiment. The Special Rapporteur's repeated references to the Iraqi Head of State and national institutions was further evidence that he was the tool of certain States which sought to change Iraq's political regime. The Commission and the non-governmental organizations must thus be very careful about believing the material contained in the Special Rapporteur's report, much of which had been included for its emotional effect.

91. The citizens of Iraq had suffered enough violations of their human rights as a result of the embargo imposed by the United States and its allies. The Charter of the United Nations did not authorize economic measures that would destroy an entire population. The Commission must call upon the Security Council to lift the economic blockade on Iraq and cease its unjust accusations, which were an attempt to fragment Iraq and humiliate its population.

92. Mr. HELMIS (Observer for Greece) said that, 20 years after the Turkish invasion, Cyprus was still divided, with 37 per cent of its territory still occupied. It had been hoped that the agreement on confidence-building measures, proposed by the Secretary-General and introduced by Security Council resolution 789 (1992), would improve the atmosphere between the two communities and thus make progress towards a just, viable and functional solution of the issue possible but, once again, the intransigent attitude of the Turkish Cypriot leader, Mr. Denktaş, had frustrated those efforts. In his report to the Security Council (S/26438) of 14 September 1993, the

Secretary-General had indicated that the Turkish side had not shown the good will and cooperation required; in its reply to the Secretary-General, the Security Council had also expressed concern and disappointment.

93. Security Council resolution 889 (1993) reaffirming that the status quo in Cyprus was unacceptable and supporting the Secretary-General's initiatives, had given new impetus to his efforts, however, which had finally resulted in an approval in principle of the confidence-building measures by Mr. Denktaş also, the President of Cyprus, Mr. Clerides, having accepted them in June 1993. While hoping an agreement could soon be reached, his delegation noted that the views expressed by the Turkish Cypriot leader on the modalities of the implementation of the confidence-building measures raised serious doubts about the prospects of success of the negotiations.

94. In occupied Cyprus, the right to settle, to move and to acquire property were still denied to both Greek and Turkish Cypriots. The 200,000 Greek Cypriots who had been forced to flee the northern part of the island as a result of the Turkish invasion were still refugees in their own country. They had lost their homes, and their properties had been distributed to persons recognized as legal owners only by the Turkish Cypriot illegal entity. Under the confidence-building measures, the Secretary-General suggested that some Greek Cypriot owners could reclaim their property in the fenced area of Varosha, which had been a ghost town since the 1974 invasion. But the Turkish Cypriots had again raised so-called "security concerns".

95. The Turkish and Turkish Cypriot measures to change the demographic composition of the island were still being applied. According to Turkish Cypriot estimates, by the end of 1993, the number of settlers who had been transferred from Turkey to the occupied part of the island had reached 80,000. More than 60,000 Turkish Cypriots had been forced to emigrate, thus allowing the non-indigenous population to attain the absolute majority in occupied Cyprus, because 35,000 Turkish soldiers were also permanently stationed there.

96. After the Turkish invasion of 1974, 22,000 Greek Cypriots had remained in the enclave areas of Kyrenia and Karpasia. The occupation army had forced most of those persons to abandon their ancestral homes and seek refuge in the free areas, and only 728 inhabitants still remained in their native villages, the victims of oppression, discrimination, continuous harassment and violent acts.

97. Another dramatic violation had been the systematic looting of the cultural heritage of occupied Cyprus. Invaluable treasures had been smuggled out of the country or destroyed in an effort to erase history and culture. Place names that had stood for 1,000 years had been changed by decree in order to create a false impression of the historical and cultural identity of Cyprus. At a time when the practice of ethnic cleansing was being denounced, it was the duty of the international community to declare that the policies being carried out in Cyprus would no longer be tolerated. In particular, the tragic cases of 1,619 missing Greek Cypriots and Greeks had still not been resolved. It was to be hoped that the recent reactivation of the Committee on Missing Persons in Cyprus (CMP) would bring positive results and that its work would not be hampered by the Turkish Cypriots.

98. Mr. DICQUEMARE (International Federation Terre des Hommes), speaking on behalf of 27 non-governmental organizations*, said that the proliferation of anti-personnel mines throughout the world had become a major plague necessitating urgent action. He welcomed Commission resolution 1993/83 and General Assembly resolutions 48/7, 48/75, 48/79 and 48/157 addressing the issue and was pleased that the United States of America, France and Belgium had declared a moratorium on the export of anti-personnel mines.

99. The international community must make a much firmer commitment to attenuate the daily devastation caused by those weapons. It was estimated that more than 100 million anti-personnel mines were in place throughout the world and another 100 million were stored and ready for use. More than 20 States were seriously affected. Every month, at least 800 persons were victims of those weapons, and since 1975, anti-personnel mines had caused more than a million deaths and injuries, in particular among civilians, women and children.

100. Unlike a gun, which a soldier could decide to use or not to use and which was unloaded and put away once peace was restored, anti-personnel mines, once primed, could no longer be controlled. In north-west Cambodia, 58 per cent of those injured by mines were civilians. In Angola, such weapons accounted for 50 per cent of victims, and children were especially exposed. In 1991, in the hospital of Hargeisa in Somalia, 74.6 per cent of those injured by mines had been between 5 and 15 years of age.

101. In most developing countries, amputees placed a heavy burden on family and society. Whereas in the United States of America, there was one amputee in every 22,000 people, in Cambodia, the figures were 1 in 236; in Angola, 1 in 470; in northern Somalia, 1 in 1,000; and in Viet Nam, 1 in 2,500. Anti-personnel mines were also a major obstacle to economic development, in that they had an adverse impact on commercial activities and, as such, on production as a whole. In Cambodia, the rice deficit was several hundred thousand tons, and in Angola, thousands of acres of agricultural land and thousands of kilometres of watercourses had been rendered unusable by mines.

102. The situation was particularly serious in Afghanistan, Angola, Cambodia and northern Somalia. Mine-clearing operations in agricultural and grazing areas would make it possible for people there to resume use of their land, but all the countries affected lacked the financial resources and qualified personnel to undertake such work. Whereas the cost of an anti-personnel mine was between US$ 3 and 20, its removal cost between $300 and 1,000. In Afghanistan, the United Nations estimated that it would cost $1 million per square kilometre, and in Cambodia at least $10 million annually must be allocated over the next 10 years for clearing mines.

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* The list of non-governmental organizations concerned appears as an annex to this summary record.

103. In view of the above, a total ban on the production, sale and use of anti-personnel mines represented the sole effective solution. Such mines must be classified as weapons of mass destruction that were just as dangerous for mankind as chemical and biological weapons.

104. The non-governmental organizations he represented called upon all countries that had not yet done so to ratify the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects and to participate fully in the review conference of that Convention convened by the Secretary-General; to support at the review conference the total prohibition of the production, sale and use of all types of anti-personnel mines; to envisage immediate unilateral measures to declare a five-year moratorium on the production, sale, transfer and exportation of anti-personnel mines and all related military or commercial assistance; and to cooperate at all levels in mine-clearing operations, campaigns to heighten the awareness and train populations at risk and on the medical, psychological and socio-economic rehabilitation of the victims.

105. He urged the Commission to convey to the Economic and Social Council, the General Assembly and the Secretary-General its conviction that there could be no respect for human rights and the Geneva Conventions where anti-personnel mines were widespread and that the complete prohibition of their production and use was the only effective way of halting that flagrant and massive violation of international law; to consider the question of anti-personnel mines at its fifty-first session, following the submission of the study requested by General Assembly resolution 48/157 entitled "Protection of children affected by armed conflicts"; and to invite all the United Nations treaty bodies to raise the subject of anti-personnel mines wherever appropriate.

106. Ms. GRAF (International League for the Rights and Liberation of Peoples) said that her organization wanted to alert the Commission to the traumatic plight of the people of Acheh. A pattern of extrajudicial executions on a massive scale had begun to emerge as early as July 1990, when 6,000 Indonesian soldiers had been sent into the area. The killings had a number of similar features: the bodies of the victims were often found in public places; most bodies showed signs of torture; facial features were no longer recognizable; a distinctive knot was used in the bonds tying thumbs and feet; and the majority of the corpses appeared in Acheh Utara and Acheh Timur.

107. In November 1990, the Indonesian commander for Acheh had admitted that the knot had been developed and employed by the military, but maintained that the rebels had been using it in order to confuse and terrorize the public. The report of the United Kingdom's Parliamentary Human Rights group in March 1993 estimated that, from January 1990 until January 1992, between 10,000 and 20,000 civilians had been murdered by members of the Indonesian army.

108. She called upon the Government of Indonesia to cease its policy of criminal aggression against the Achinese people and to prohibit explicitly all extrajudicial, arbitrary and summary executions. She urged the international

community to recognize the right to self-determination of the Achinese people and to condemn the human rights violations there with the same vigour as it had the massacre in East Timor.

109. The situation in Haiti gave cause for great concern, not only because the leaders of the coup d'état remained in power and the human rights violations were continuing, but above all because of the action of the United Nations. The role played by the Special Envoy of the Secretary-General for Haiti in drafting and implementing the amnesty decree, which granted impunity for crimes committed by the members of the military involved in the coup, was deeply alarming.

110. Between July and September 1993, the joint Organization of American States - United Nations International Civilian Mission had counted more than 100 murders and 40 disappearances in Port-au-Prince and had established the existence of paramilitary groups led by the army and political leaders close to the Duvalier regime. The Special Envoy had ordered the joint Mission to leave because it was interfering with the setting up of a transition policy based on impunity and because its reports had continuously denounced the high command of the Haitian armed forces. By endorsing impunity, the United Nations was violating international law and abdicating in favour of the United States Government, which was in no hurry to chase the leaders of the coup from power as long as the regime protected its strategic and economic interests in the region.

111. In Colombia, human rights organizations were currently being subjected to military and paramilitary repression. More than 2,000 members of the Patriotic Union had been murdered or had disappeared since 1987. The country was in a de facto state of emergency. Since 1991, more than 60 emergency decrees violating human rights had been converted into permanent legislation. Habeas corpus had been virtually abolished, and it had been made easier for the police and the military to detain without a warrant.

112. The improvements contained in the new Constitution had thus been annulled. The Government had not complied with any of the recommendations made by the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Working Group on Enforced or Involuntary Disappearances or the Inter-American Commission of Human Rights, that had all called upon Colombia to reform the security forces, restrict military jurisdiction to purely military offences and repeal emergency legislation that violated basic human rights.

113. From 1988 to 1992, the Centre for Human Rights had made its advisory services available to the Government of Colombia, but no improvement in the situation had been noted. The mission that had evaluated those services had formulated recommendations intended for the forty-ninth session of the Commission, but oddly enough, its report had not been published until 6 September 1993; thus, the members of the Commission had not seen it in time, although they had had access to an unofficial document distributed at the request of the Colombian Government.

114. As the situation had not improved in recent years, the international community must play a more vigilant role. She called upon the Commission to appoint at its current session a special rapporteur on the situation of human rights in Colombia and to include consideration of the situation of human rights in that country under item 12 of its agenda.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued)

115. Mr. TARBATABAEE (Islamic Republic of Iran) said that a surprisingly long joint statement had been made at the previous meeting, lasting about one hour and covering the human rights situations in about 100 States. Such joint statements, on behalf of groups of members or non-members, had been encouraged in the discussions on the rationalization of the work of the Commission. Since, however, there was no clear reference to such practices in the Commission's rules of procedure, he would like the Chairman to inform the Commission how much time he intended to allot to second statements by members or observers speaking individually which had already associated themselves with an earlier joint statement.

116. The CHAIRMAN said that, in keeping with the practice in the Commission, such second statements would be limited to 10 minutes.

The meeting rose at 1.05 p.m.

Annex

List of non-governmental organizations sponsoring the statement by the International Federation Terre des Hommes, under agenda item 12

Disabled Peoples' International

World Federation of Methodist Women

Third World Movement Against the Exploitation of Women

International Council of Jewish Women

International Alliance of Women

International Movement against All Forms of Discrimination and Racism

Centre Europe-Tiers Monde

International Association for the Defence of Religious Liberty

International Federation of ACAT (Action of Christians for the Abolition of Torture)

International League for the Rights and Liberation of Peoples

World Confederation of Labour

Latin American Federation of Associations of Relatives of Disappeared Detainees

International Organization for the Elimination of All Forms of Racial Discrimination

American Association of Jurists

International Educational Development

World Union of Catholic Women's Organizations

International Federation of Social Workers

International Movement for Fraternal Union among Races and Peoples

African Association of Education for Development

Women's International Zionist Organization

International Association of Penal Law

International Fellowship of Reconciliation

Service Peace and Justice in Latin America

International Indian Treaty Council

World Christian Life Community

Association for the Prevention of Torture

Pax Christi International

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